Solutions to America's Politics?: Major Changes Without Amending the Constitution

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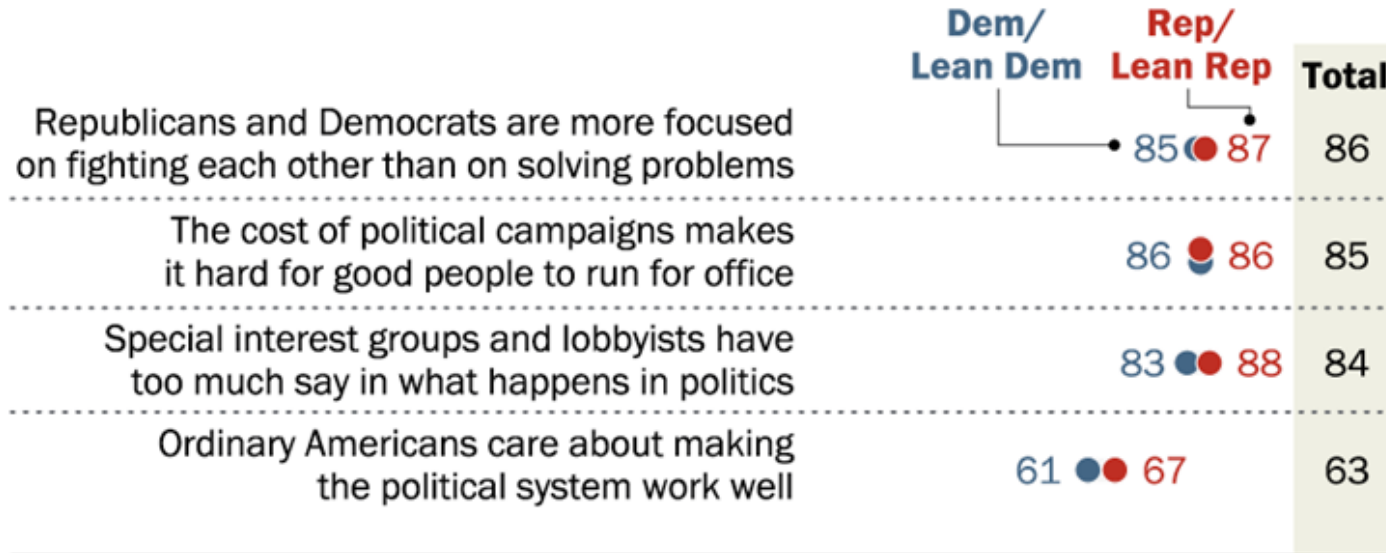University of North Texas

Why This Class Now? Why Me?

What Might We Want in American Politics?

- A responsive political system

- A political system with fewer barriers to entry

- Elected officials that reflect the preferences of the majority

- A political system that encourages healthy competition
  - Between candidates, parties, and branches

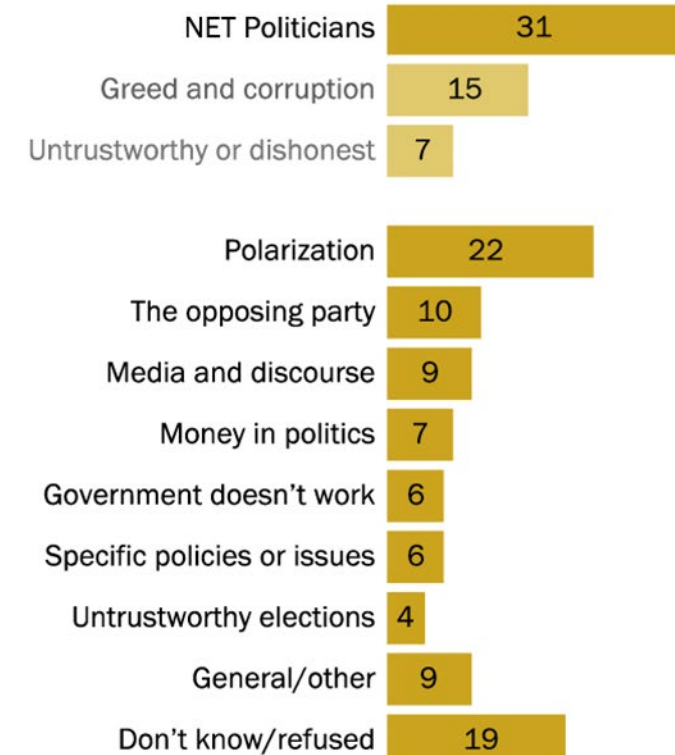- A political system that fosters trust among Americans

The Diagnosis: What Do Americans Think About Our Political System?

What do you see as the biggest problem with the political system in the U.S. today? (%) [open end]

NET Politicians	31
Greed and corruption	15
Untrustworthy or dishonest	7
Polarization	22
The opposing party	10
Media and discourse	9
Money in politics	7
Government doesn't work	6
Specific policies or issues	6
Untrustworthy elections	4
General/other	9
Don't know/refused	19

Note: Figures represent responses to an open-ended question. Only those responses that were given by at least 4% of respondents are shown. See topline for full details. Numbers may exceed 100% due to multiple responses; the first three topics mentioned were included.
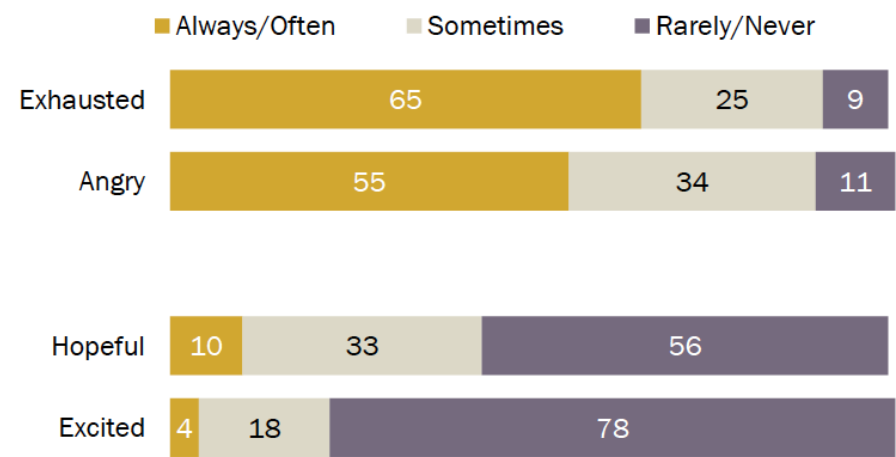Source: Survey of U.S. adults conducted July 10-16, 2023. "Americans' Dismal Views of the Nation's Politics"

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Partisans largely agree in views of many problems with the political system

*% who say each of the following is a **good description** of the U.S. political system today*

	Dem/ Lean Dem	Rep/ Lean Rep	Total
Republicans and Democrats are more focused on fighting each other than on solving problems	85	87	86
The cost of political campaigns makes it hard for good people to run for office	86	86	85
Special interest groups and lobbyists have too much say in what happens in politics	83	88	84
Ordinary Americans care about making the political system work well	61	67	63

What Americans Think & Say About U.S. Politics

How Americans feel when they think about politics

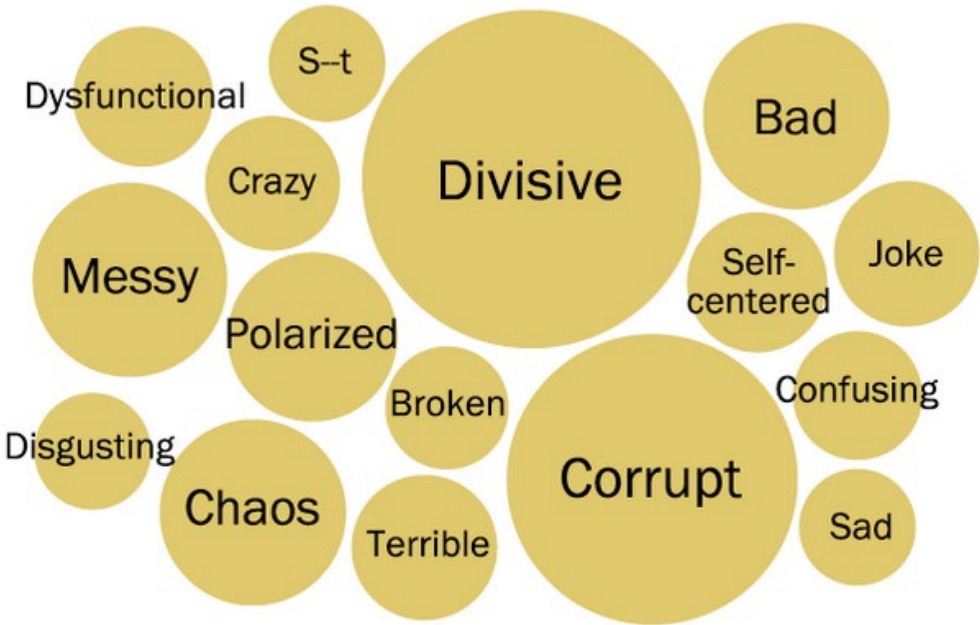*% who ____ feel each of the following when thinking about politics these days*

Legend: ■ Always/Often   ■ Sometimes   ■ Rarely/Never

Feeling	Always/Often	Sometimes	Rarely/Never
Exhausted	65	25	9
Angry	55	34	11
Hopeful	10	33	56
Excited	4	18	78

Note: No answer responses not shown.
Source: Survey of U.S. adults conducted July 10-16, 2023.
"Americans' Dismal Views of the Nation's Politics"

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Americans' top descriptions of the current state of politics

What one word or phrase would you use to describe politics in the U.S. these days? **[open end]**

Bubble chart of words: Dysfunctional, S--t, Bad, Crazy, Divisive, Messy, Self-centered, Joke, Polarized, Broken, Confusing, Disgusting, Corrupt, Chaos, Terrible, Sad

Note: Circle size indicates relative frequency of a word in responses to an open-ended question. Words with the same root are combined (e.g., "divisive," "division"). Top 16 words shown. For more details, read Chapter 11 and the survey topline.
Source: Survey of U.S. adults conducted July 10-16, 2023.
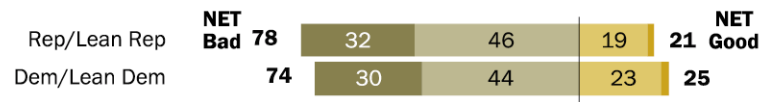"Americans' Dismal Views of the Nation's Politics"

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Partisan Agreement on Congress

Large majorities in both parties give members of Congress low ratings in key aspects of their work

% who say members of Congress do a _____ job at each of the following

■ Very bad ■ Somewhat bad ■ Somewhat good ■ Very good
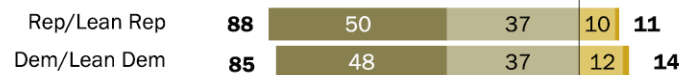
Listening to the concerns of people in their district

	NET Bad				NET Good
Rep/Lean Rep	78	32	46	19	21
Dem/Lean Dem	74	30	44	23	25

Keeping their personal financial interests separate from their work in Congress

Rep/Lean Rep	84	47	37	12	13
Dem/Lean Dem	79	44	35	16 4	20

Working with members of the opposing party

Rep/Lean Rep	85	46	40	12	13
Dem/Lean Dem	83	46	37	14	15

Taking responsibility for their actions

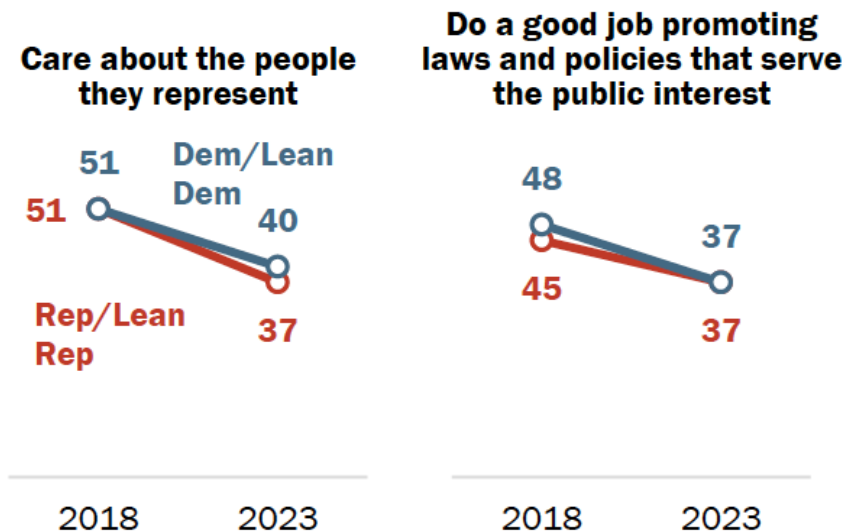|					
Rep/Lean Rep	88	50	37	10	11
Dem/Lean Dem	85	48	37	12	14

Note: No answer responses not shown.
Source: Survey of U.S. adults conducted July 10-16, 2023.
"Americans' Dismal Views of the Nation's Politics"

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Declines in positive views of members of Congress cross party lines

% who say members of Congress do each of the following all or most/some of the time

Care about the people they represent

Dem/Lean Dem: 51 → 40
Rep/Lean Rep: 51 → 37

2018 → 2023

Do a good job promoting laws and policies that serve the public interest

48 → 37
45 → 37

2018 → 2023

Source: Survey of U.S. adults conducted July 10-16, 2023.
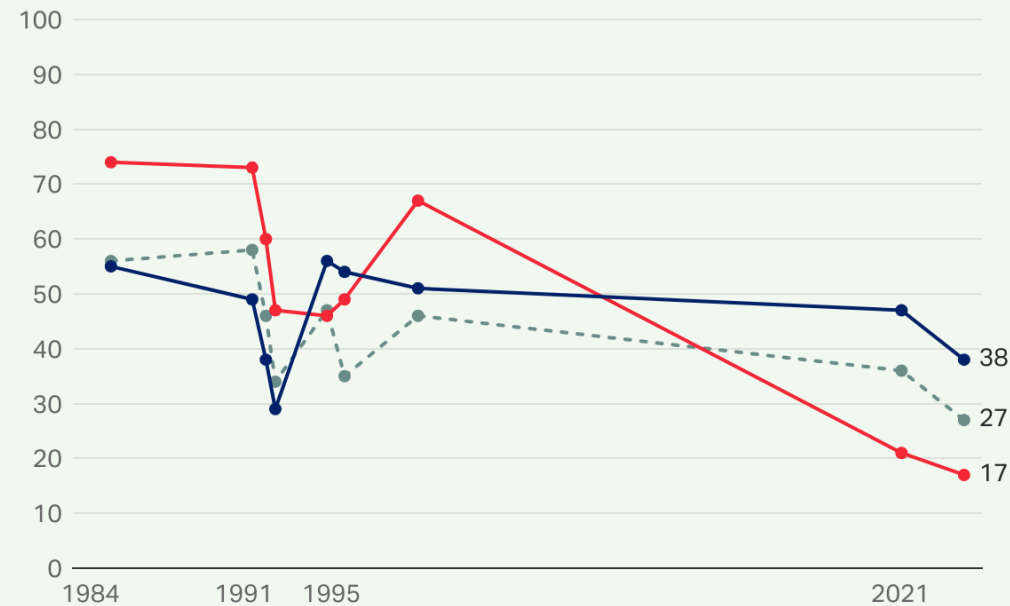"Americans' Dismal Views of the Nation's Politics"

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Trends in Americans' Views on U.S. Democracy

Trend in Satisfaction With Way Democracy Is Working in the U.S., by Political Party Identification

Are you satisfied or dissatisfied with the way democracy is working in this country?

— % Republican - - % Independent — % Democrat

GALLUP

THE NEW YORK TIMES/SIENA COLLEGE POLL
Oct. 20 to 23

Which of the following statements comes closer to your view, even if neither is exactly right?

American democracy ...

DOES a good job representing the people — 49%

DOES NOT DO a good job representing the people — 45
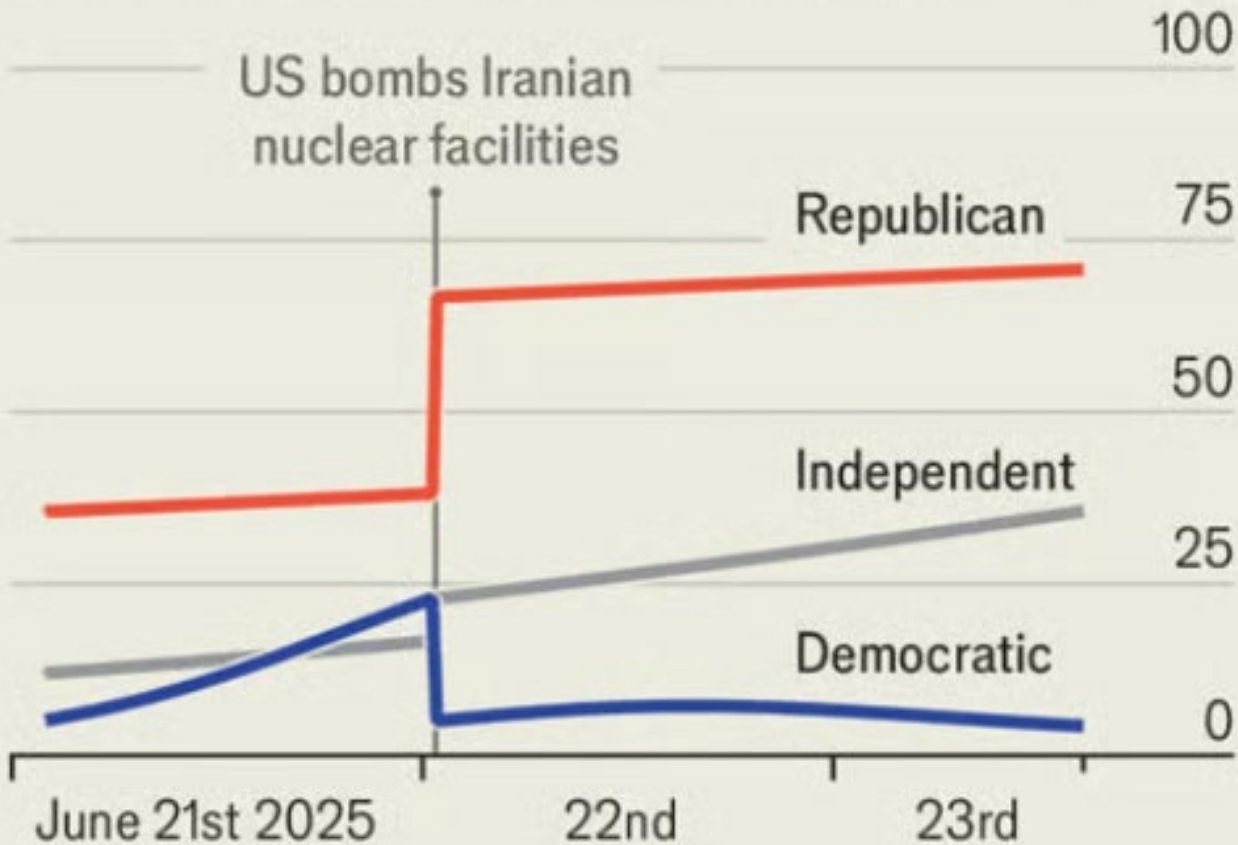
American democracy ...

IS currently under threat — 76%

IS NOT currently under threat — 20

Do you think the US military should or should not bomb Iranian nuclear facilities?
United States, % responding "should", by party

US bombs Iranian nuclear facilities

Republican

Independent

Democratic

June 21st 2025   22nd   23rd

Source: YouGov/*The Economist*

CHART: THE ECONOMIST

What's Wrong With the State of American Politics?

- Hyper-partisanship
  - Political environment is deeply polarized, difficult for federal elected officials to work across party lines to solve problems
  - Politics as team sport
  - Perpetual election politics

- Self-Dealing & Lack of Trust
  - Many Americans see elected officials serving themselves, not their constituents

- Lack of citizen agency

- Many Americans feel unrepresented, unable to impact politics in important ways

- Gridlock
  - Tough to get things done

Rules for Our Potential Fixes

- No fixes require a constitutional amendment to or replacement of the U.S. Constitution

- Fixes must involve political processes, not policy decisions

- Reforms target processes, not individuals

Problem: Size of the House of Representatives

- Framers viewed the House as the federal entity closest to the people
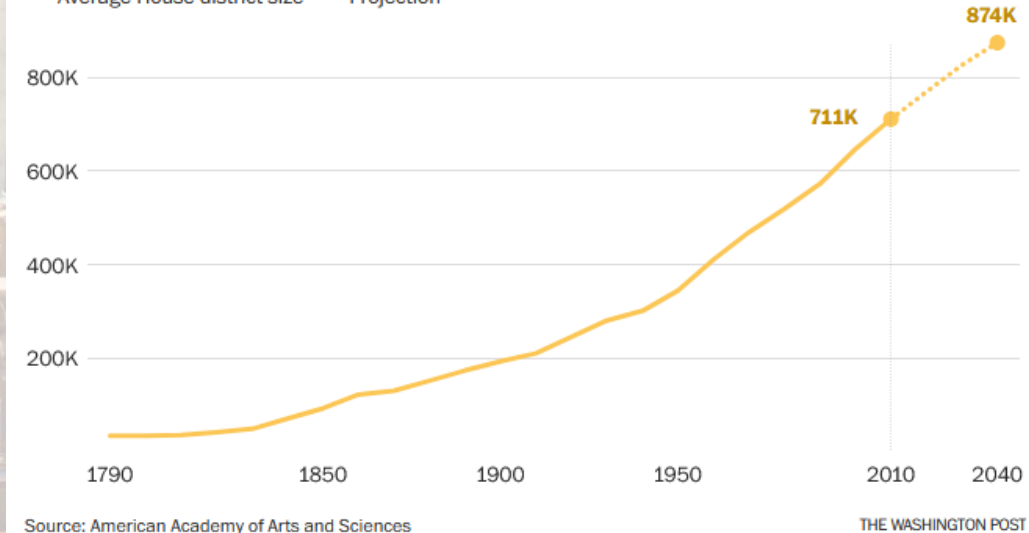 - Two-year terms

Framers envisioned House size growing after each census

- First Congress – 65 members representing 3.9M (1 rep per 60,000)

- 1850 – 234 members representing 23.2M (1 rep per 99,000)

- 1900 – 386 members representing 76.2M (1 rep per 197,000)

- 1911 – 435 members representing 92.2M (1 rep per 212,000)

- Today – 435 members representing 340M (1 rep per 782,000)

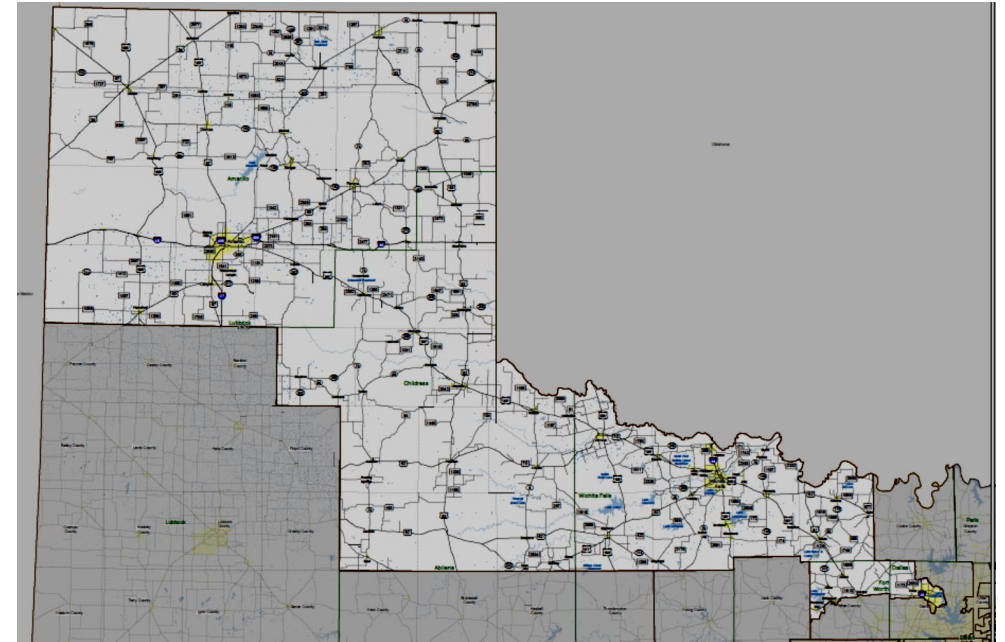**Average population in each congressional district**

In 1790, each congressional district had 34,000 residents on average. Now, each district has over 20 times more people.

— Average House district size   ···· Projection

874K
711K

800K
600K
400K
200K

1790   1850   1900   1950   2010   2040

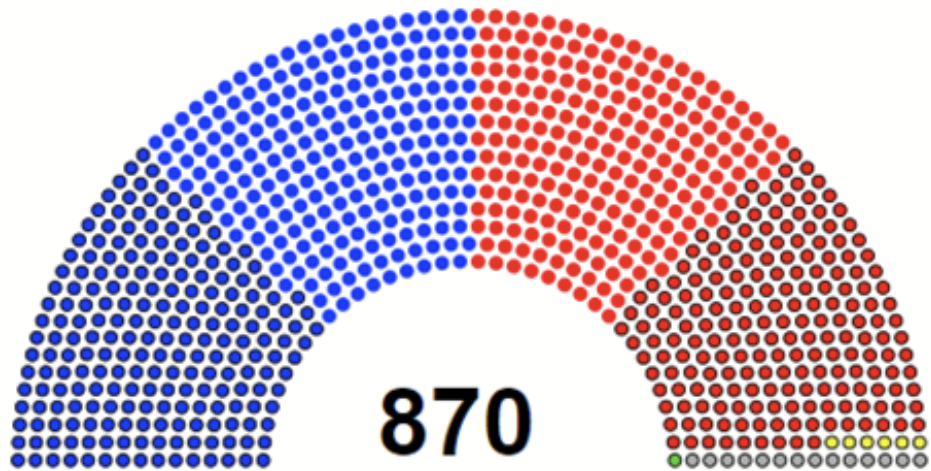Source: American Academy of Arts and Sciences

THE WASHINGTON POST

Problems Created by Current House Size

- How well can 1 representative understand & speak to the needs of 762,000 citizens?

- Reduces each individual voter's influence

- Undermines diversity of perspectives

- Increases costs of congressional campaigns

- Increases influence of special interests

Potential Fix: Expand the Size of the House

870

- Set by law, could be changed by Congress and the President
  - 1929 Permanent Apportionment Act

- How many? – Depends on the rule
  - Smallest state rule – 572 seats
  - Return lost seats from 1929 rule – 585 seats (how does future growth occur?)
  - Cube root rule – Cube root mathematical function of population: 692 seats
  - Madison rule – 50,000 constituents per member: 6,500 seats
  - Founding rule – 35,000 constituents per member: 9,400 seats

- Potential negative impacts:
  - Size becomes too unwieldy
  - Electoral College impact

Problem: Voters Often Dislike Their Party Choices

- Voters often lament about having to pick between the "lesser of two evils"
- Many Americans lament being limited to two major parties
- Incentives for gerrymandering further limit voter choices and increase dissatisfaction
  - In 2024, <10% of House seats were competitive
  - Candidates choose their voters

% who have an **unfavorable view** of both the Republican and Democratic parties

Note: Based on those who rated both the Republican and Democratic parties.
Source: Yearly averages of survey data from Pew Research Center American Trends Panel (2020-2023) and Pew Research Center phone surveys of U.S. adults (1994-2019).
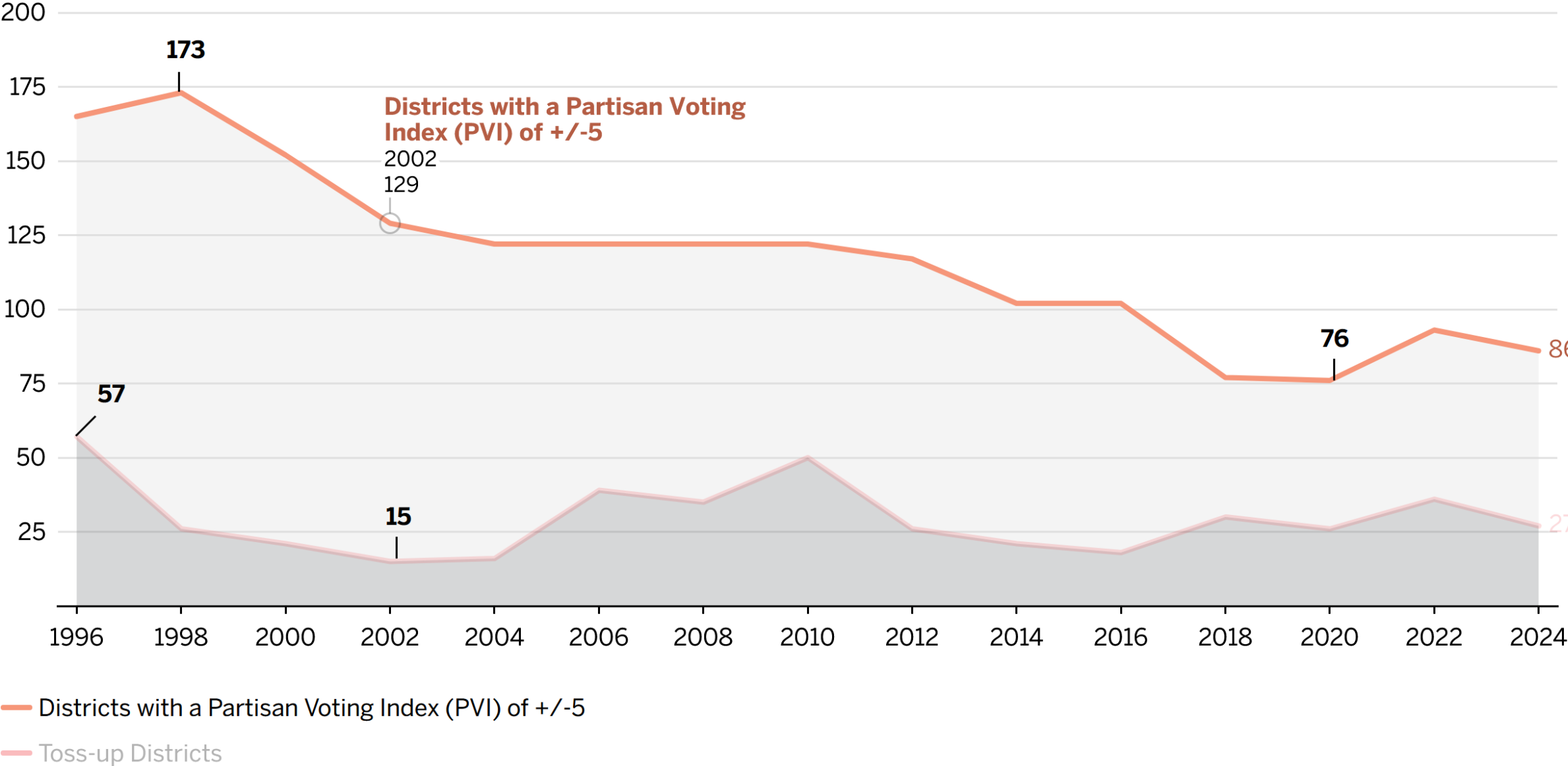"Americans' Dismal Views of the Nation's Politics"

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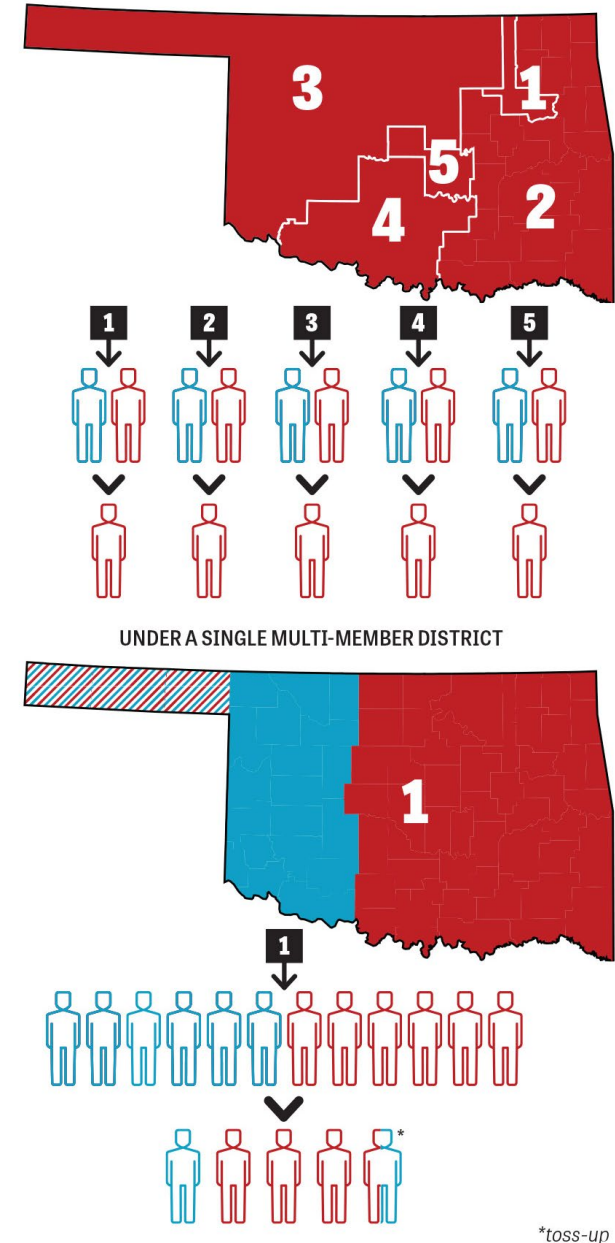"I often wish there were more political parties to choose from" describes their views …

	Extremely/ Very well	Somewhat well	Not too/ Not at all well
Total	37	31	30

Number of Competitive Congressional Districts Over Time

Districts with a Partisan Voting Index (PVI) of +/-5

- 173
- 2002 / 129
- 57
- 15
- 76
- 86
- 27

Legend:
— Districts with a Partisan Voting Index (PVI) of +/-5
— Toss-up Districts

X-axis: 1996, 1998, 2000, 2002, 2004, 2006, 2008, 2010, 2012, 2014, 2016, 2018, 2020, 2022, 2024

Y-axis: 25, 50, 75, 100, 125, 150, 175, 200

Potential Fix: Multi-Member Districts

- Current system - congressional districts elect 1 member
  - "Winner-take-all" or "First-past-the-post"
  - Does not matter if you win with 50.1% of the vote or 75% of the vote

- Multi-member districts – congressional districts elect multiple members in proportion to their share of the vote
  - More efficient reflection of preferences of voters
  - Provides a foothold for third parties
  - Eliminates gerrymandering

UNDER A SINGLE MULTI-MEMBER DISTRICT

*toss-up

Single-Member vs. Multiple-Member Districts: Texas

- Results of the 2024 U.S. House elections for Texas:
  - Republican votes: 6,235,017
  - Democratic votes: 4,311,123

- 2025 Texas Congressional Delegation (Single-Member Districts)
  - Republican seats: 25
  - Democratic seats: 13

- 2025 Texas Congressional Delegation (Multiple-Member Districts)
  - Republican seats: 22 (58%)
  - Democratic seats: 16 (42%)

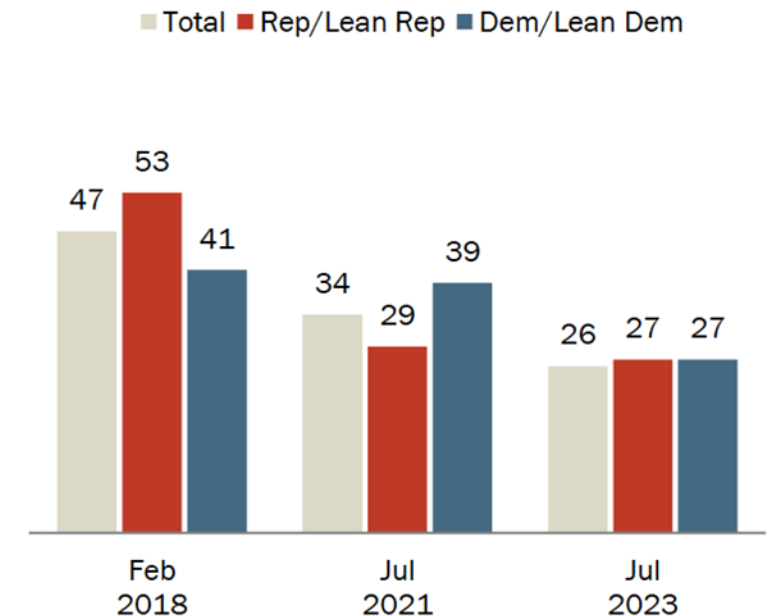# Single-Member vs. Multiple-Member Districts: California

- Results of the 2024 U.S. House elections for California:
  - Democratic votes: 9,138,709
  - Republican votes: 5,928,084

- 2025 California Congressional Delegation (Single-Member Districts)
  - Democratic seats: 43
  - Republican seats: 9

- 2025 California Congressional Delegation (Multiple-Member Districts)
  - Democratic seats: 31 (61%)
  - Republican seats: 21 (39%)

Problem: Voters Dislike Their Candidate Choices

- Plurality voting can allow candidates without majority support to win in ways that may not reflect the actual preferences of voters
  - Vote-splitting
  - Spoiler effects
  - Encourages negative campaigning

- Combined with a two-party system, voters can feel underwhelmed by their candidate choices

In both parties, evaluations of candidate quality have grown more negative

% who say the quality of the candidates running for political office in the last several years has been good

Legend: Total | Rep/Lean Rep | Dem/Lean Dem

Feb 2018: Total 47, Rep/Lean Rep 53, Dem/Lean Dem 41

Jul 2021: Total 34, Rep/Lean Rep 29, Dem/Lean Dem 39

Jul 2023: Total 26, Rep/Lean Rep 27, Dem/Lean Dem 27

Source: Survey of U.S. adults conducted July 10-16, 2023.
"Americans' Dismal Views of the Nation's Politics"

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Potential Fix: Ranked-Choice Voting

- System where voters select their candidates in ranked order

- Candidates can win even if they are voters' second or third choice

- Provides an avenue for voters to support third parties without "wasting" their vote

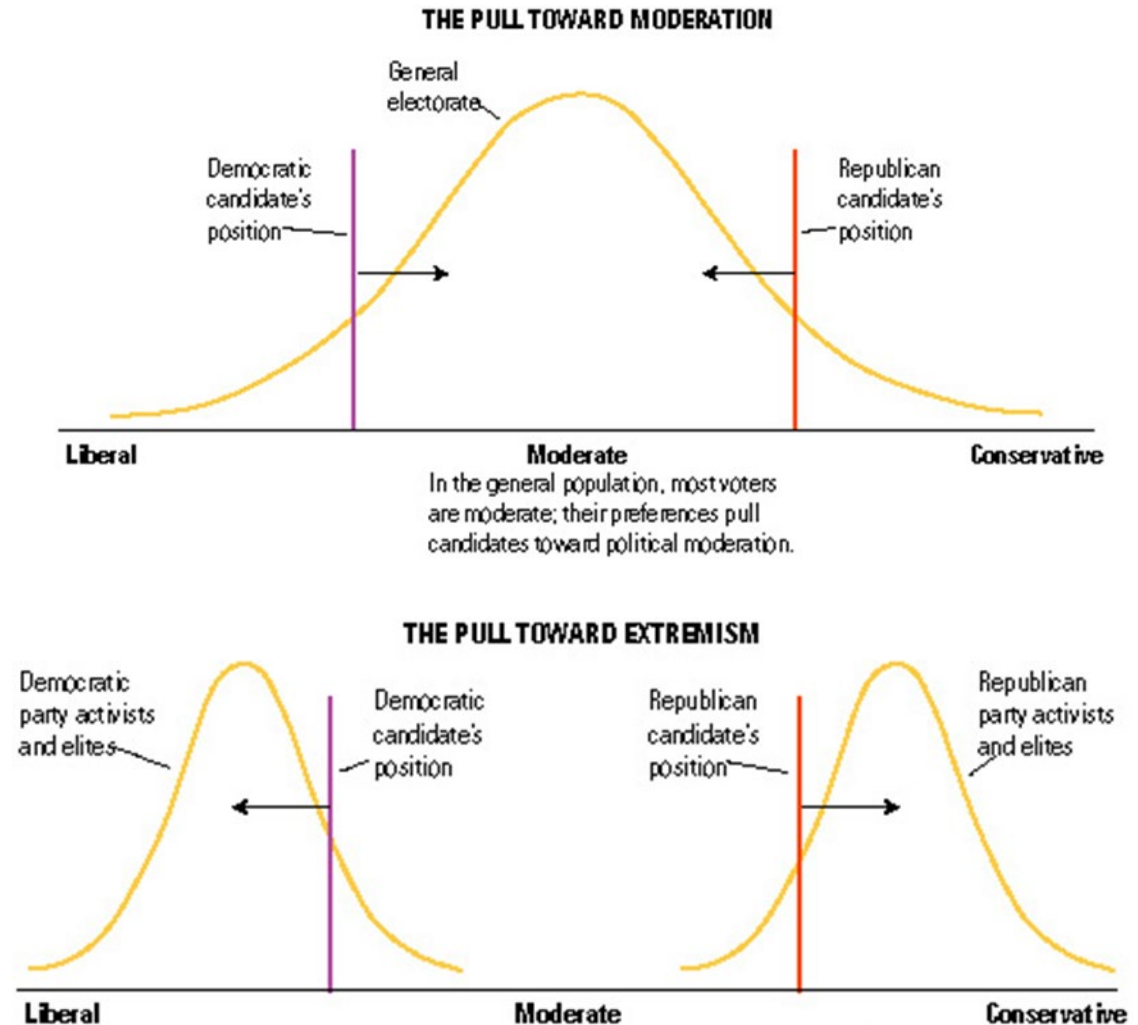- Provides a means for voters to punish negative campaigning

RCV election results

Candidate	Round 2		Round 3			Round 4			Round 5			Round 6		
	Votes	%	Votes	%	+/-	Votes	%	+/-	Votes	%	+/-	Votes	%	+/-
Candidate A	8,423	31.3%	8,816	33.1%	▲1.8%	9,423	35.9%	▲2.7%	10,294	39.8%	▲3.9%	12,311	48.7%	▲8.9%
Candidate B	6,162	22.9%	6,651	25.0%	▲2.1%	8,449	32.2%	▲7.2%	10,253	39.6%	▲7.5%	**12,984**	**51.3%%**	**▲11.7%**
Candidate C	4,655	17.3%	4,705	17.7%	▲0.4%	4,802	18.3%	▲0.6%	5,321	20.6%	▲2.3%	Eliminated		
Candidate D	3,418	12.7%	3,525	13.2%	▲0.5%	3,593	13.7%	▲0.4%	Eliminated					
Candidate E	2,852	10.6%	2,916	11.0%	▲0.4%	Eliminated								
Candidate F	1,399	5.2%	Eliminated											

How Ranked Choice Voting Can Work

- If no candidate receives 50% of the vote, candidate with the lowest percentage of the vote is dropped and their votes allocated to the other candidates. Process continues until a candidate receives a majority.

Problem: Primaries Produce Less Desirable Candidates for the General Election

- Voter turnout tends to be low in primary elections

- Those who turn out in primary elections tend to have strong party identification, more likely to be at the ideological extremes

- To win elections, candidates must win the primary – encourages candidates to appeal to ideological extremes

- Exacerbated by safe seat quality of House & Senate

THE PULL TOWARD MODERATION

General electorate

Democratic candidate's position

Republican candidate's position

Liberal   Moderate   Conservative

In the general population, most voters are moderate; their preferences pull candidates toward political moderation.

THE PULL TOWARD EXTREMISM

Democratic party activists and elites

Democratic candidate's position

Republican candidate's position

Republican party activists and elites

Liberal   Moderate   Conservative

Potential Fix: Eliminate Partisan Primaries

- All candidates are listed on ballot, regardless of party affiliation

- Top-2 vote getters in open primary advance to general election. Allows for:
    - Republican vs. Democrat general election
    - Republican vs. Republican general election
    - Democrat vs. Democrat general election

- States with non-partisan primaries: Alaska, Washington, California, Louisiana (until 2024 legislation)
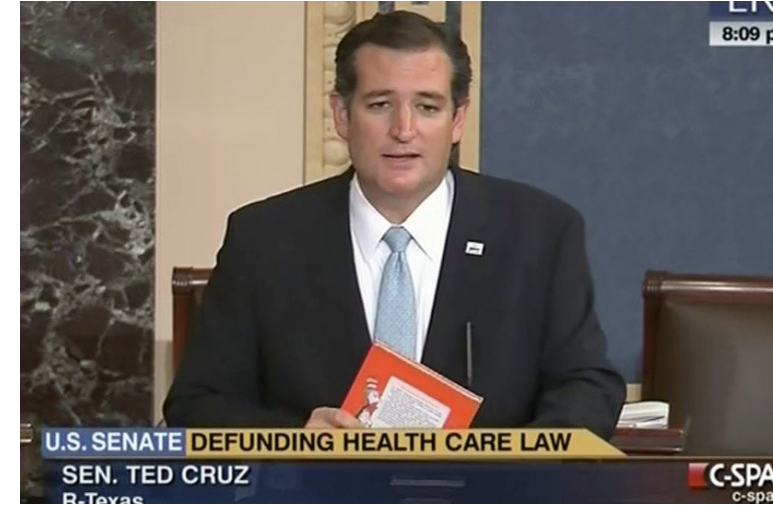
Problem: Getting Stuff Done & The Senate Filibuster

- Senate rules allow for unlimited debate, resulting in a requirement for 2 votes for a bill to be passed without unanimous consent
  - A cloture vote, which ends debate and brings a bill to the floor for consideration
  - A floor vote where senators vote on the merits of a bill

- Senate rules require 60 votes to end debate and bring a bill up for a *vote*
  - Allows a minority of senators to stop a bill without a vote on the merits of a bill

- Filibuster – "informal term for any attempt to block or delay Senate action on a bill or other matter by debating it at length, by offering numerous procedural motions, or by any other delaying or obstructive actions."
  - Without unanimous consent, 1 senator can trigger a filibuster

Logic for the Filibuster

- Gives the minority a voice in the Senate

- Fits the Senate's role as the "cooling saucer" of the legislative branch
  - Madison: "The use of the Senate is to consist in its proceeding with more coolness, with more system, and with more wisdom, than the popular branch."

- So, what's the problem?
  - Senate rules have changed over time to lower the costs of a filibuster
  - Today, a senator only needs to rise and say "I object" when movement on legislation is attempted
  - This allows legislation to be stopped by a minority at no cost

Potential Fix: Return to the Talking Filibuster

- At the extreme, Senate could return to its original rules which cut off debate with a majority vote

- The Senate could keep the 60-vote cloture requirement but return to the talking filibuster rules that existed until the 1970s
  - A senator could only hold the floor by standing and talking as long as they could
  - Once a cloture vote passed or no one wished to continue debate, legislation would be brought to vote

- Benefits of the talking filibuster:
  - Deters frivolous filibusters or those with little support
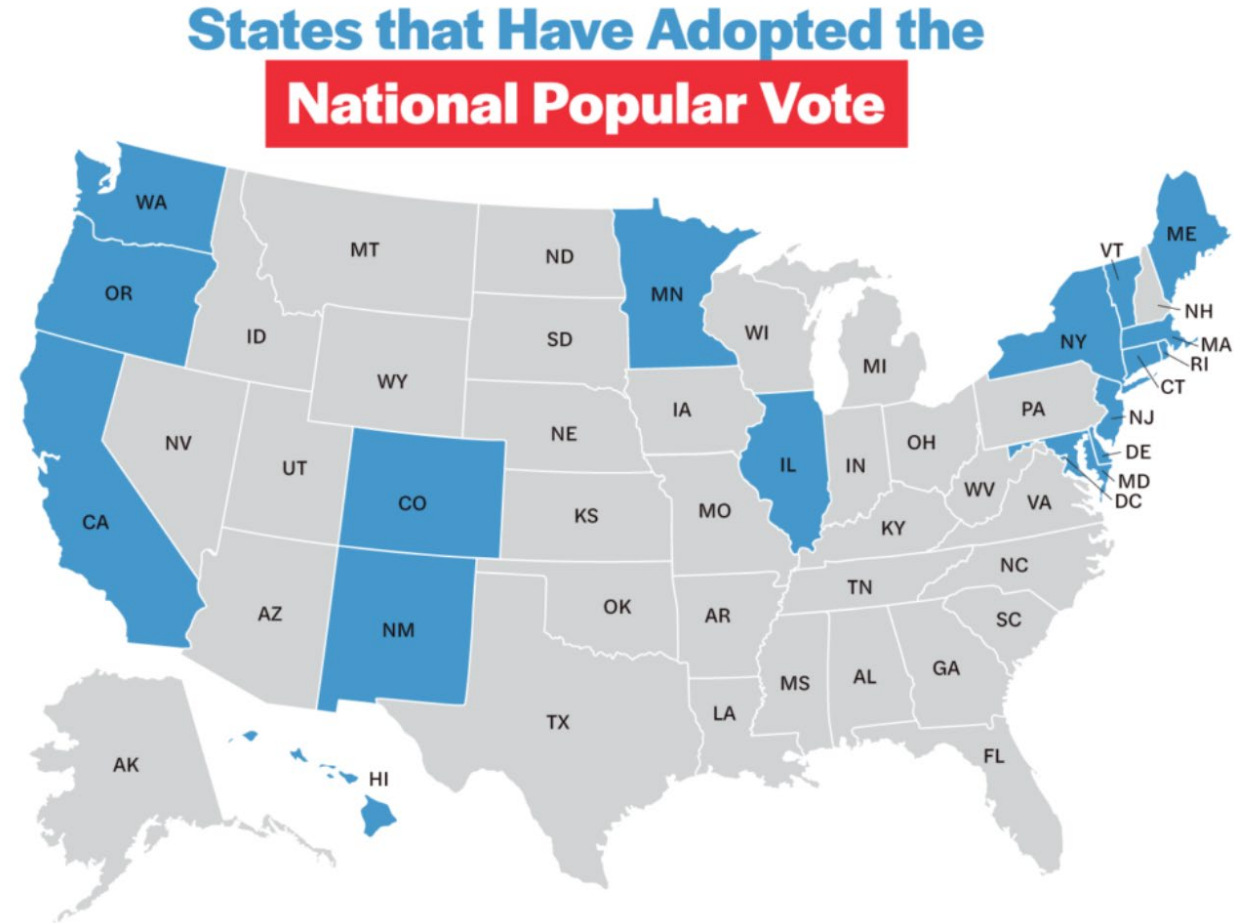 - Increases transparency to the public

Problem: Electoral College & the Popular Vote

- Candidate can win without winning a popular vote majority

- Electoral College tie results in presidential election being determined in the House; each state delegation has one vote

- Disproportionate state power in Electoral College

- Encourages campaigns to focus on a small number of "swing states"

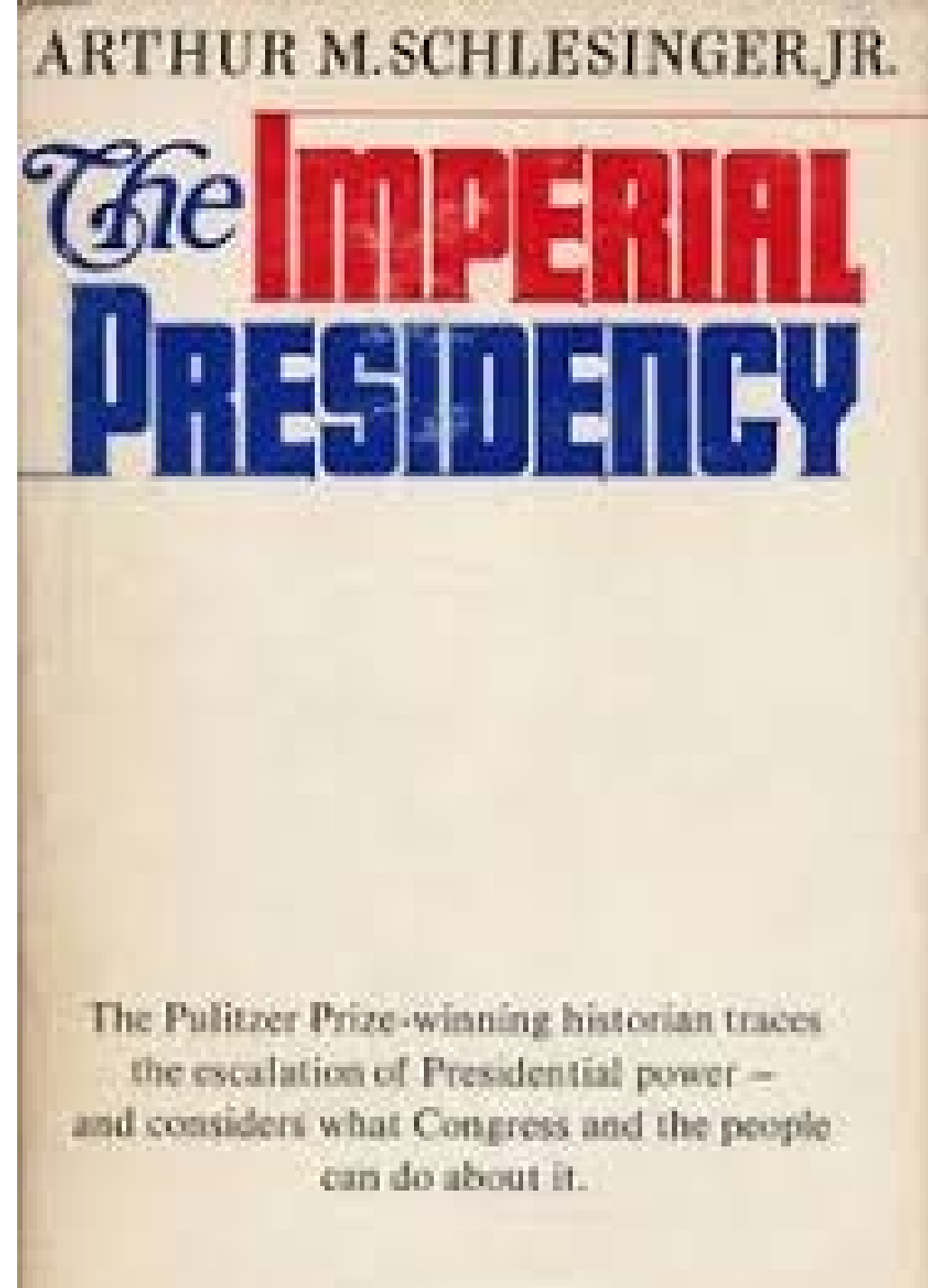- Red voter-Blue state, Blue voter-Red state problem

Potential Fix?: Tie the Electoral College to the Popular Vote

- National Popular Vote Interstate Compact – interstate agreement where signing states agree to award their electoral votes to winner of popular vote
  - Only comes into effect when signing states reach 270 electoral votes

- Potential roadblocks:
  - Faithless electors
  - State citizen response
  - Constitutional challenges

States that Have Adopted the National Popular Vote

Problem: The Imperial Presidency

- Idea proposed by historian Arthur Schlesinger (1973) that American presidential power had expanded beyond its constitutional limits

- Hallmarks:
  - Decline of congressional oversight
  - Expansion of executive branch authority
  - Growth of executive branch foreign policy dominance (particularly warmaking)

ARTHUR M. SCHLESINGER, JR.

The IMPERIAL PRESIDENCY

The Pulitzer Prize-winning historian traces the escalation of Presidential power — and considers what Congress and the people can do about it.

Why an Imperial Presidency?

- Encouraged by the growth of national security needs during the Cold War. Further exacerbated by the War on Terrorism

- Key contributing forces:
    - Partisan polarization – undermines rivalry among branches envisioned by framers
    - Failure of Congress to legislate
    - Public & media centrality of the presidency
    - Momentum

Imperial Presidency: What's the Problem?

- Erodes constitutional checks and balances

- Threatens civil liberties
    - Emergence of the security state and broad scope of presidential emergency powers

- Undermines participation and accountability in policymaking
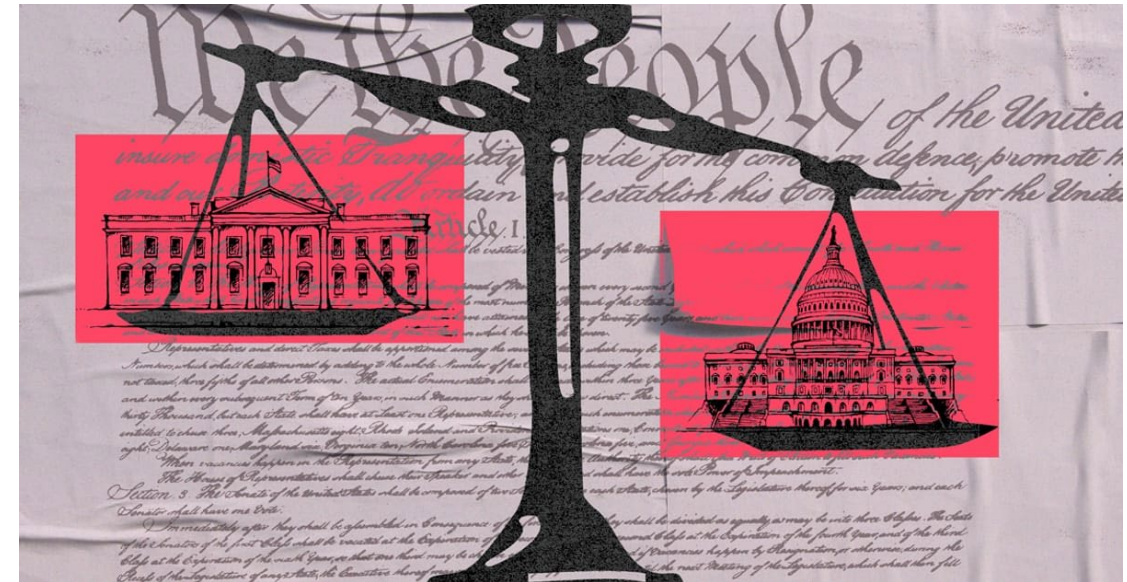   - Current day: tariffs

Madison on Legislative & Executive Power

- "[A]ccumulation of all powers, legislative, executive, and judiciary in the same hands … may justly be pronounced the very definition of tyranny." (Federalist #47)

- "An elective despotism was not the government we fought for; but one in which the powers of government should be so divided and balanced among the several bodies of magistracy so that no one could transcend their legal limits without being effectually checked and restrained by the others." (Federalist #58)

Potential Fix: Restore Separate & Equal

- Increasingly, our system combines the worst of both a parliamentary and a presidential system
  - Increasingly unified parties across government
  - Lack of accountability & rapid mechanisms for leadership change

- Congress reassert its policy & oversight functions

- Renewed idea that members of Congress serve constituents, not the president

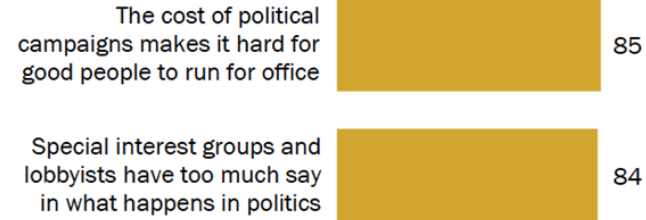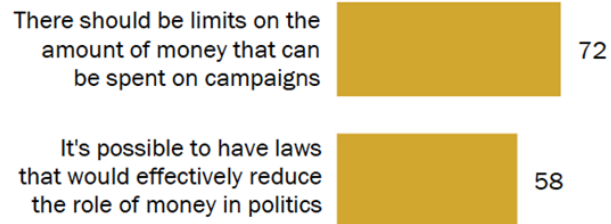- Efforts to rein in presidential power – emergency powers

What Else?

- Money in politics
- Congressional ethics
- Trust in elections
- Information literacy/Civic knowledge
- Supreme Court reform

Most Americans are critical of the role of money in politics; 72% favor limits on political spending

% who say ____ is a good description of the U.S. political system today

The cost of political campaigns makes it hard for good people to run for office	85
Special interest groups and lobbyists have too much say in what happens in politics	84

% who say ...

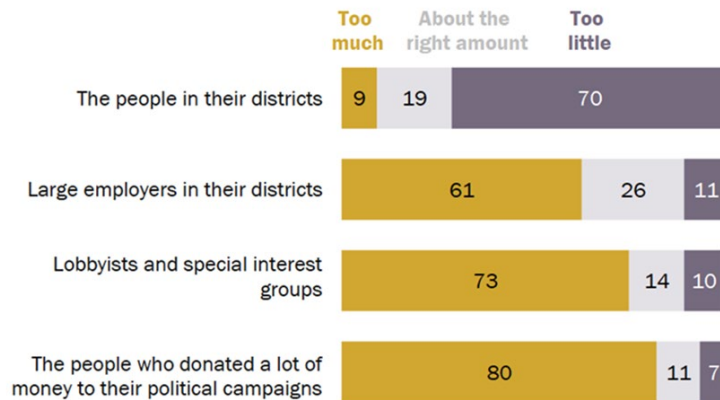|	
There should be limits on the amount of money that can be spent on campaigns	72
It's possible to have laws that would effectively reduce the role of money in politics	58

Source: Survey of U.S. adults conducted July 10-16, 2023.
"Americans' Dismal Views of the Nation's Politics"

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Campaign donors, lobbyists widely viewed as having too much influence on members of Congress; most say 'people in their districts' have too little influence

% who say each of the following has ____ influence when it comes to the decisions that members of Congress make

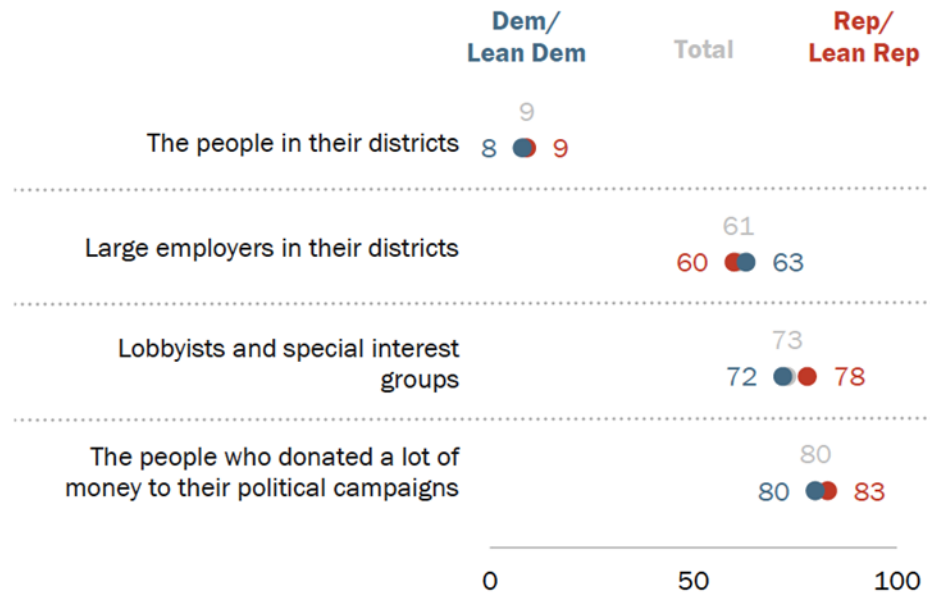|	Too much	About the right amount	Too little
The people in their districts	9	19	70
Large employers in their districts	61	26	11
Lobbyists and special interest groups	73	14	10
The people who donated a lot of money to their political campaigns	80	11	7

Note: No answer responses not shown.
Source: Survey of U.S. adults conducted July 10-16, 2023.
"Americans' Dismal Views of the Nation's Politics"

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Agreement on Money in Politics

Democrats and Republicans alike say major donors, lobbyists have too much influence on Congress

*% who say each of the following has **too much** influence when it comes to the decisions that members of Congress make*

	Dem/Lean Dem	Total	Rep/Lean Rep
The people in their districts	8	9	9
Large employers in their districts	60	61	63
Lobbyists and special interest groups	72	73	78
The people who donated a lot of money to their political campaigns	80	80	83

0   50   100

Source: Survey of U.S. adults conducted July 10-16, 2023.
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