



From the Office of Secretary of State

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**Time to return to winner-take-all for electoral votes**

Senator Beau McCoy introduced LB 10 for the purpose of returning Nebraska to a winner-take-all distribution of electoral votes in presidential elections. This bill will soon be debated by the full legislature. I continue to support this measure, just as I did when it was introduced in 2011 and 2013.

The U.S. Constitution leaves the method of distributing electoral votes up to each state. Currently only Maine and Nebraska distribute a share of electoral votes by congressional district. Forty-eight states have remained winner-take-all, and have not followed the Nebraska example.

In the 24 years since the current system was adopted in Nebraska, only once has a presidential candidate received a distribution of our state's electoral votes. That was in 2008 in the 2nd Congressional District.

Some would argue that if it only happened once in 24 years, why is there an issue? It makes Nebraska unique they say, and that has value. Others argue that allowing a congressional district distribution fosters increased attention from both major parties in a close presidential election year and brings money into the state. Still others say that congressional district distribution more fully reflects the voting patterns of Nebraska citizens.

Despite all that, there are stronger reasons to reject such a system. If election by congressional district was adopted by a majority of states, studies indicate it would result in unexpected consequences. For example in 2008, the presidential race was

so close at one point that a single electoral vote was projected to decide the outcome. A split of 269-269 was anticipated and Nebraska, which did allocate one electoral vote to Obama, could have determined the outcome. However, would that have been a fair reflection of the state vote, when John McCain won the state popular vote overwhelmingly?

The likelihood of any one candidate receiving a majority of electoral votes greatly diminishes when elected by congressional district. Splitting up the electoral votes across many states reduces the ability of states to bring a majority of electoral votes to either of the major party candidates. The natural result of splintering the nation's electoral votes would be that no candidate receives the needed 270 electoral votes, and the outcome would be decided by the U.S. House of Representatives.

Dividing electoral votes would also encourage third parties to spring up seeking to capture their share of congressional district electoral votes, which again, would throw the outcome of an election to the U.S. House of Representatives. If that were to happen, each state would have only one vote. The congressional delegation of each state would have to create a majority of members to cast the state's one vote. That process could result in months of delay, with no clear certainty for our presidential leadership until it was concluded.

Only two states have seen fit to adopt a congressional district distribution system -- their prerogative under the U.S. Constitution. If other states joined in, the U.S. House of Representatives would regularly determine the outcome of our presidential elections. Is Nebraska setting a good example by retaining this system?

An even bigger issue for the Great Plains is the significance of providing smaller states a greater influence in presidential elections. Smaller states such as Nebraska have a disproportionate influence on presidential races under the Electoral College simply because of their senatorial electoral votes. Under the compromise worked out in the 1787 Constitutional Convention, Nebraska's two senatorial electoral votes count the same as the senatorial electoral votes of California, Illinois or New York.

The smaller states enhance their importance and their influence even more through winner-take-all. The Great Plains states have strong agricultural interests and collectively can express that voice through winner-take-all. It helps the agricultural states to garner influence with a new administration.

Nebraska has more to gain as a state by restoring its electoral vote distribution to winner-take-all.

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