



November 17, 2014

House Committee on Elections and Ethics

Testimony Regarding HB 5974

Article 1, Section 1 of Michigan's Constitution states that "All political power is inherent in the people. Government is instituted for their equal benefit, security and protection". The proposed changes to electoral law in HB 5974 fail to live up to this mandate.

The Libertarian Party of Michigan commends the legislature for taking up the issue of allocating presidential electors in relation to the percentage of votes cast, as it has some merit. As written though, it has unequal benefits and is discriminatory.

If the goal is to implement a proportional representation scheme, then all candidates should be allocated electors and not just the top two as this legislation proposes. That would discriminate against independent and minor party candidates, who would be disregarded.

Using a formula that excludes votes cast for minor party and independent candidates disenfranchises those voters. In the 2012 Presidential election there were 51,136 voters who would have been ignored under this proposal.

However, our current winner-take-all system also fails to protect the right of everyone to have their vote influence the selection of electors to cast votes for the president. It should be noted that although the state is empowered to appoint electors, it does not have the power to tell them how to vote, despite the implication. Using a proportional representation plan would reinforce that fact. An alternative is to elect the president by a national popular vote, which would also poorly represent the public unless Ranked Choice or approval voting is used.

Instituting Ranked Choice voting would be a big improvement over the antiquated winner-take-all plurality system in use for over three centuries. Current best practices and electoral system science show that Ranked Choice or approval voting allow voters a better choice of candidates. The Wikipedia site on voting systems has more detail on the subject.

It is encouraging to see this issue before the legislature, but since all legislators are members of the two parties affected, it is clearly a conflict of interest. Any changes to electoral college votes or the election system should be brought before the voters to decide. The electoral college system is primarily a federal issue anyway, with states only allowed to determine the manner of appointing electors.

Enacting legislation like this that benefits the two parties writing it is unethical and violates the very first section of the Michigan Constitution which holds that government is instituted to equally benefit the political power inherent in the people. Excluding entire classes of voters from equal participation in the electoral process is certainly grounds for a legal challenge as a civil rights violation.

For these reasons I urge this committee to revise the proposed legislation to better reflect the will of the people and provide equal benefit to the political power of every individual.

Thank you for listening.

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Legislative committee chair, Libertarian Party of Michigan

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