

actually translated into policy will have left a documentary trail in one or more of the agencies, and all such records could be disclosed at the discretion of the next President.²¹

Aftergood points out how the two contestants for the presidency in 2008 specifically criticized the secrecy of the Bush administration. The new president, guided by these sentiments, could radically increase the amount of information publicly available, enhance government accountability, and improve the quality of decision making by involving the public in decisions affecting their lives, which is just what the founders intended. “Whenever the people are well informed, they can be trusted with their own government,” wrote Thomas Jefferson in 1789. “Whenever things get so far wrong as to attract their notice, they may be relied on to set them to rights.”²² The American people have more powerful tools than ever to fulfill that mission. All they need is the information.

Overview

Renewing Our Democracy

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America’s democracy badly needs repair. The new president boasts a tremendous opportunity to tap the energy of the civic surge of 2008, and in so doing reform government policies long stymied by special-interest gridlock. Vital reforms all push toward greater participation. In voting, the new president should lead the fight for universal voter registration, which would add up to 50 million American citizens to the rolls. He should also fix electronic voting and push for public funding of elections, with an emphasis on boosting the power of small contributors. And he can use the bully pulpit to urge the states to curb gerrymandering after the 2010 census and to move to a national popular vote for president.

The new president faces an overarching challenge: leading a renewal of our democracy. Meeting that challenge will be central to the success of his term and the larger project of building a progressive majority.

The 2008 election cycle was marked by a thrilling upsurge of civic participation and citizen engagement, with millions of new voters, the explosion of small dollar contributions, and a sharp rise in participation. All this could add up to a transformative moment. And yet the basic institutions of American democracy are broken. Voter registration laws are among the most restrictive in the democratic world, even before the recent conservative push to disenfranchise minority, poor, and young voters. Members of Congress are still overwhelmingly funded by large contributions from special interests, and the number of corporate lobbyists in Washington, D.C., has tripled in a decade.

Then there's the legacy of President George W. Bush, who used 9/11 as the pretext for a long hoped-for executive power grab in ways that will take years to unravel. Public trust in government during conservatives' control of the White House and Capitol Hill plunged to its lowest level since Watergate. In all these ways, the very institutions that we will rely on to translate public discontent into lasting progressive change badly need repair.

With imagination and verve, the new president must not only focus on short-term, tangible policy "deliverables" but also on renewing the systems of democracy that empower ordinary citizens and make all other changes possible. If he exerts this leadership, then he will help permanently enlarge the constituency and coalition for progressive politics. Such steps would also make it far easier to enact vital change—combating global warming, enacting health care reform, creating a fairer tax system—all of which will force us to overcome entrenched and well-funded interests that now dominate the system.

Today's new wave of government reform, however, should not try to purify the messy, inevitably rambunctious world of politics. Money will always play a role. Rather, the new administration should seek changes to catalyze the participation of wider numbers of citizens in informed engagement in the political life of the country. We cannot eliminate "special interests," but we can fix the jammed mechanisms of government so that policies once again can be enacted that broadly benefit the public interest. And we can seek to use new digital technologies to boost democracy.

A shift toward wider participation will push politicians and parties to focus on what matters to ordinary people, and will change the realm of what is possible. In short, changing the process of our system will by definition change the power dynamic within it.

An Inclusive Voting System

Voting is the heart of democracy. America's voting system remains decrepit,

prone to error, and rife with barriers to full participation. In 2000, the country learned to its surprise that the way we cast and count ballots is far from neutral or precise. According to the best estimate, between 4 million and 6 million votes were lost in that year's presidential election due to faulty lists, disenfranchisement, and other problems at the polls.¹ The federal Help America Vote Act, enacted in 2002, was a partial solution.² The number of "residual votes," or votes cast but not counted, fell sharply.³ But substantial problems remain.

Millions of eligible Americans still cannot vote because they are not on the voter rolls—sometimes because they never registered, but just as often because they fell off the rolls when they moved or have found it difficult to get and stay on the rolls. Election administration remains largely an afterthought. Ballot design varies from county to county.⁴ Officials operate under inadequate conflict-of-interest rules. Some are openly partisan. Katherine Harris of Florida and J. Kenneth Blackwell of Ohio chaired their state party presidential drives while supposedly refereeing the contests as secretaries of state. Blackwell oversaw elections while he himself ran for governor.

Or consider that officials routinely purge voters from the rolls with no public notice, no standards, and no accountability. One consequential result: the multiple purges in Florida that prevented thousands of eligible voters from casting ballots in 2000. The 13,000 separate jurisdictions that administer elections vary wildly in skill and neutrality. Information and voter lists must be parceled out to at least 200,000 separate polling places across the country.⁵

Faced with this welter of laws, our government should have found ways to expand voter registration and improve election administration. Instead, conservatives mounted a fierce campaign against imaginary "voter fraud," despite the sheer absence of evidence for in-person voter impersonation (the only kind of fraud that would be prevented by voter ID requirements). Statistically, an individual is more likely to be killed by lightning than to commit voter fraud.

Yet every two years, a rash of new rules threatens to spread, requiring that voters produce a government-issued photo ID, or, worse, a birth certificate or passport. In 2008, in *Crawford v. Marion County*, the U.S. Supreme Court upheld the nation's strictest voter ID law, in Indiana.⁶ The Court agreed there was little, if any, evidence of fraud, but then said, in effect, "so what?" The justices did leave a path open for further litigation when more facts are developed.

It would be unfortunate if the contentious issue of voter ID blocks the opportunity for transformative voting change. Many Americans simply lack various kinds of ID—up to 15 percent lack a driver's license, for example, and they are overwhelmingly the urban poor, elderly, and students. The true concern

should be to assure that every eligible citizen has any ID that is required, either by accepting many different types of ID, or by assuring that government-provided free ID is genuinely widely available.

The Help America Vote Act recognizes up to a dozen forms of identification. In Michigan, citizens must produce ID, but if none is available, then they can sign sworn affidavits confirming their identity. No eligible citizen should be denied the right to vote due to an absence of proper paperwork. The new president should take as a starting point an 11th commandment: thou shalt not disenfranchise.

He also should recognize that expanding the vote is central both to the country's promise and to progressive strategy. A series of bold policy reforms could change American democracy, beginning with universal voter registration. The most important single step the new president could take would be enactment of a national universal voter registration law. The voter registration systems in the United States were first implemented a century and a half ago to make it harder for newly arrived European immigrants to vote.⁷ By one estimate, requiring the government to keep and update accurate voter lists could add as many as 50 million eligible voters to the rolls.⁸

Universal voter registration could transform the practice and outcomes of American politics. It would push campaigns toward mobilizing the maximum number of voters rather than competing for slivers of the electorate. While voter registration is conducted by the states, the prod of a federal law is needed. It should require states to phase in universal registration. There are several ways this could happen. States could compile existing lists such as driver's license databases and state income tax records, or conduct a census, as Massachusetts does now. Part of any state reform should be permanent registration; when voters sign up, they stay on the rolls even if they move (as one in six Americans do every two years). This federal mandate would be accompanied by federal funding to help states make the transition.

At the very least, federal law should institute election-day registration. Why cut off registration in the immediate weeks before an election just when debates, newspaper endorsements, and water-cooler conversations heat up? Already, Minnesota, Maine, Wisconsin, Idaho, New Hampshire, Wyoming, Montana, and Iowa have election-day registration.⁹ In 2006 nearly 4,000 Montanans registered on election day, more than the margin of victory for the state's new Sen. Jon Tester (D-MT).

In 2007, North Carolina instituted "same day" registration. Voters can register any day during the early voting period two weeks before election day, but

not that day itself. Election-day registration turbocharges turnout. Most estimates show it boosts voting by 5 to 7 percent.¹⁰ States with election-day registration have fewer problems with registration lists on election day than is typical. There is no evidence of increased fraud or chicanery.¹¹

The new president also needs to get behind efforts to improve electronic voting. Since 2000, 49 states have moved to electronic voting. These machines have numerous advantages over the old system of paper ballots and “hanging chads,” especially for the millions of voters with disabilities. But myriad studies warn these electronic systems are woefully insecure, prone to error, and vulnerable to hacking.¹² Fortunately, protective measures can markedly improve the security of electronic systems, among them: a paper record, verified by the voter, which is technically known as an audit trail; a ban on wireless components; and a requirement for random audits, conducted at the polling site, to make sure that the paper trails actually match the votes recorded in the machines.

Many states have banned the use of touchscreen machines without a paper trail, yet so far no state has enacted all the steps that experts believe are needed to secure the vote. In the 110th Congress, bipartisan legislation introduced by Rep. Rush Holt (D-NJ) and Tom Davis (R-VA) would have required paper trails and taken other needed steps. Despite wide support, it was derailed by a combination of concerns from the disability rights community and disgruntled local officials worried about tight deadlines and new requirements. A new version of federal legislation endorsed by the new president should smooth these political wrinkles.

Federal law is also needed to strike down one last remnant of Jim Crow. Today 5 million American citizens still are legally barred from voting due to a felony conviction.¹³ Four out of five of those disenfranchised are out of prison or never served a day of time. Some state officials have moved to reform the practice, such as Florida’s Republican governor Charlie Crist, who moved to end felony disenfranchisement by executive action. The next step is a federal law to restore voting rights upon release from prison.¹⁴ Law enforcement and religious communities concur this will help reweave those released from prison into the wider, law-abiding community.

Finally, the new administration should work with the new Congress to strengthen the Election Assistance Commission. The Help America Vote Act created this tiny new federal agency in 2002 to guide states toward improved voting. Unfortunately, the EAC is hobbled by weak laws and politicization of its work. At its birth, Congress neglected to fund the panel, and commissioners had to meet in a Starbucks.¹⁵

Since then, EAC has taken some good steps, such as offering states useful help in setting up voter databases. Less effective has been its work overseeing the transition to electronic voting, where the agency has allowed voting machine vendors to choose the labs that certify their products for use. Part of the problem is resources. The entire EAC, charged with helping all 50 states and the District of Columbia administer voting, has a budget of \$15 million and only 30 employees. The new president's first budget must substantially increase this support.

Campaign Finance Reform

Perhaps the greatest obstacle to change is the political culture of Washington, D.C., itself. No factor is more profound, or pernicious, than the system of financing congressional campaigns.

Of course, the fact that money shouts is hardly news. Mark Twain, not Jon Stewart, quipped, "There is no distinctly native criminal class except Congress." But over the past decade, the system lurched badly in the wrong direction. Congress became mired in crass corruption, as the conservative congressional majority's "K Street Project" made the link between lobbying, fundraising, and policy more explicit than at any time since the Gilded Age of the 1800s. Jack Abramoff and former Majority Leader Tom Delay are gone, and Congress quickly moved forward on reform, passing strong ethics measures in 2007. But the broader gridlock and special interest stasis remains.

Today lawmakers spend much of their time fundraising—often, most of their time. Funds overwhelmingly flow to incumbents. The presidential campaigns this past election year were transformed by small contributors. But in the halls of Congress, the small donor revolution is just a rumor. As of June 2008, less than 10 percent of contributions to congressional campaigns were \$200 or less. Meanwhile, the lobbying industry continues to grow in size and impact, tripling over the past decade.

Stale debates on campaign reform long have pitted those who regard campaign contributions as a robust expression of free speech against those who seek to limit the size of gifts. The 2002 Bipartisan Campaign Finance Reform Act, the product of a decade's effort, curbed the worst excesses and helped point presidential candidates and political parties toward raising more money from small donors. But it did not try to grapple with the most common and endemic ways that big money dominates politics.

The 44th president can cut this Gordian knot, slicing through the arguments

that have tied up reform for decades. He should insist on robust voluntary public financing. And he should propose that any public funding system boost the power of small individual contributors to Congress, too. The goal cannot be hygienic, to “clean up Congress.” Rather, the goal of campaign finance reform (as with voter registration measures) should be to amplify the voice, and thus the power, of ordinary citizens.

The best way to achieve this goal would be to enact the Fair Elections Now Act, which would provide voluntary public financing for congressional elections. This most important step, and most difficult, has eluded success for decades. In 1994, proposals passed both houses but failed to reach President Bill Clinton’s desk. Since then, states such as Arizona and Maine have enacted successful public funding systems. Now Sens. Dick Durbin (D-IL) and Arlen Specter (R-PA) have revived a public funding plan for congressional races, the Fair Elections Now Act.

This strong measure needs to be improved in one key way—to encourage a small donor revolution for Congress. Consider New York City’s bold 20-year-old election law, under which small contributions receive a multiple public financing match (originally 1:1, then 4:1, now up to 6:1). City politicians rely on networks of small donors, and the system boosts grassroots organizing. A similar innovative approach would revitalize Congress; public funding systems should allow unlimited contributions of \$100 or less. We cannot expect to get “big money” out of politics, but we can create incentives to get ordinary citizens and “small money” into politics.

This also needs to happen in future presidential races. An easy first step may be to restore the presidential public funding system, put in place after Watergate in 1974. It worked well for three decades. In the first five elections, three challengers beat incumbents—a level of competitiveness found in no congressional district in America. Now, only less wealthy candidates participate because the amount of public funding is too low. Early in 2009, the new president should prod Congress to increase the tax checkoff to \$10, increase the spending limits, and make other changes. This approach already has bipartisan congressional support, including the two candidates for president, Sens. John McCain (R-AZ) and Barack Obama (D-IL).

A final but pivotal piece of reform is the need to strengthen the Federal Election Commission. This agency, at least, works as intended: it was designed to fail.¹⁶ The panel, split evenly between Democrats and Republicans, poked open the loopholes for the soft money system of the 1990s. The commission should be replaced by a far more independent body, with a strong chair or at least an empowered professional staff. In the meantime, the new president should

break the decades-long pattern of appointing commissioners for loyalty to party rather than fealty to law.

Use the Bully Pulpit

A democracy movement, sparked by visible change in Washington and led by the words of a new president, can spread most effectively at the state level, where many of the rules governing democracy are crafted. The 44th president can use the bully pulpit to endorse and push two major local reforms that would make citizens' votes count.

The new president could help restore electoral competitiveness by curbing gerrymandering while presiding over the decennial census—and thus the redistricting that will redraw electoral lines in all 50 states. Congress is so riven by stark partisanship in part because few lawmakers face a competitive general election, fearing only a primary challenge. Gerrymandering, of course, is as old as the republic. In the very first election, Patrick Henry tried to draw the electoral map to keep James Madison from getting elected to Congress.¹⁷

Today, however, computer software helps politicians draw surgically precise district lines to minimize competition and maximize advantage. And the courts refuse to intervene. The U.S. Supreme Court several years ago declined to overturn the crass mid-decade redistricting in Texas, admittedly undertaken solely to squeeze a few more seats in for the political party controlling the legislature. The first election after the last census was the least competitive in American history.¹⁸ A true electoral tide may still swamp incumbents, but it would have to be at S.S. *Poseidon* strength. Routinely, voters don't choose lawmakers—lawmakers choose voters.

Redistricting reform proposals would give some neutral body—say a bipartisan or nonpartisan panel—the task of drawing district lines.¹⁹ Such a system works well in Iowa and Washington state, and one has just been launched in Arizona. Reform efforts have focused on states, yet several federal bills have proposed a national standard. With the 2010 census looming, it is hard to imagine a new president muscling such a bill through Congress with enough time.

Instead, he can use his executive authority to make fairer redistricting far easier in the states by changing the way the next census counts prisoners. Current census rules count prisoners as living in the communities where they reside, rather than where they come from. Yet those prisoners cannot vote. The result, in states such as New York, is that rural districts have far more clout than they would otherwise because the population of prisoners is counted for redistricting. The new president could change that by executive order.

The presidential bully pulpit would be especially effective to create a national popular vote. The Electoral College was a constitutional afterthought that has proven the exploding cigar of American democracy. Four times, the person who got the most votes lost, most recently, of course, in 2000. (That is not a partisan point: if Sen. John Kerry (D-MA) had won 60,000 more votes in Ohio in 2004, he would have won the presidency despite losing the popular vote by two million). Even when the biggest vote-getter actually wins, the Electoral College often forces campaigns to focus on a few swing states rather than campaigning throughout the country.

According to a study by FairVote, in the five weeks before the 2004 general election, both major party candidates spent more on TV advertising in Florida than in 45 states combined. “More than half of all campaign resources were dedicated to just three states—Florida, Ohio and Pennsylvania.” Voters in 18 states saw neither a candidate visit nor a TV ad.²⁰

A creative way to bypass the Electoral College without resorting to a constitutional amendment is gathering momentum. States sign up for a multistate compact pledging to vote their electors for whoever wins the popular vote—so long as enough other states adding up to 270 electors do so, too. Five states, so far, have agreed to do this. The new president could endorse an end to the Electoral College—as Presidents Lyndon Johnson and Richard Nixon both did the last time it came for a vote in Congress in 1969.

Democracy as a Strategy

For the new president and his administration, a push for government reform and a renewed democracy must be more than a set of issues on a laundry list. It must be central to governing strategy. If it is, then the president can catalyze a broader movement and transformative changes in the country at large. A focus on democracy reforms has several strategic advantages.

First, it serves as a way for the new president to display early mastery of powerful arrayed interests that threaten a progressive agenda. Any chief executive faces such tests from the “permanent government.” Successful ones show their ability to overcome such established power centers. President Franklin D. Roosevelt closed the banks on his second day in office—not recommended for all new presidents—but also shocked Congress by vetoing the veterans’ pension, the prime special interest bill of its day. Ronald Reagan fired the striking air traffic controllers.

Bill Clinton, by contrast, acceded to congressional complaints about grazing fees and other moves, showing the massed lobbyists and their congressional al-

lies that the new president could be pushed around. A democracy push can instead help “brand” the new president’s program as populist, nonpartisan, and attuned to the massive surge in voter engagement. It would signal to young voters, especially, that their exertions had produced change.

The new president must also avoid the mistake made by Bill Clinton in the early 1990s. After Ross Perot won 19 percent of the vote in 1992 on a platform of reform, Clinton and his allies in Congress failed to ruthlessly co-opt Perot’s vote and issues. Those independent-minded swing voters have decided nearly every election since. This time, the new president can focus on appealing to the angry sentiments of the “radical middle,” which is sick of partisanship and yearning for effective government.

More broadly, and more fundamentally, democracy reforms can form part of a larger political strategy for the new administration. Transformative presidencies succeed, in part, by widening the electorate and altering the political balance of power. Andrew Jackson, for example, massively increased the pool of voting citizens, first by attracting votes, and then by passing laws to repeal the property requirement for voting. Reform spurred more reform.

Lyndon Johnson’s support for the Voting Rights Act transformed Southern politics and made possible the election of Jimmy Carter, though the white backlash vote proved more formidable over the long run, moving the South into the Republican column for a generation, as Johnson also predicted. Roosevelt’s steps in the first New Deal, such as encouraging unionization through the National Recovery Administration, gave activists tools for organizing, which in turn built pressure for more profound changes such as Social Security.

The new president has always played a unique role in the struggle for political reform. Great presidents find a way to use their singular voice and role as a prod to create a revolution of rising expectations, thus setting in motion forces that push the political system further. The 44th president must avoid overpromising, and many issues inevitably will crowd the agenda. It may make sense to forge a quick bipartisan compact on key reforms, acting even during the transition to reach agreement with legislative leaders. The next president must follow through with an agenda of election reform. If he does, he will put democracy at the center of American politics again—just where it belongs.