What a Mess! The 2000 Presidential Election

We care about elections because they make a difference in the nation’s public policies. There were significant differences between the major presidential candidates on some of the major issues of our time. Governor Bush proposed substantially reducing income taxes, privatizing part of Social Security, providing vouchers for public schools, opening the Arctic National Wildlife Refuge in Alaska to oil drilling, and privatizing prescription drug coverage in Medicare. Vice President Gore strongly opposed each of these positions. Similarly, Governor Bush’s nominees to the Supreme Court were likely to overturn the right to an abortion while Vice President Gore’s nominees would uphold the Court’s 1973 decision *in Roe v. Wade*.

The 2000 presidential election will no doubt go into the history books as one of the most memorable finishes in the history of democracy. The election coverage on television provided a wild night of entertainment, full of ups and downs for everyone. The networks first reported that Gore had won the crucial state of Florida while the polls were still open in the Florida Panhandle (which is on Central time), but within an hour they rescinded this call. Early in the morning, with virtually all the votes counted, they at last called Florida for Bush and declared him the president-elect. But just as Gore was ready to give his concession speech, the word broke that the networks were again rescinding their call, saying that it was so close that a recount would be necessary to determine the winner.

What went wrong with the media projections? As we write in *Government in America*, there has long been criticism of exit polls. But contrary to common perception, the exit polls deserve only a small portion of the blame for the networks’ election night
fiasco. Because the Florida exit poll showed an advantage for Gore within the margin of
error, the networks could not have called the election based on this information alone.
What most threw off the network prognostications were inaccurate reports and estimates
of the actual votes. The early call for Gore was apparently largely caused by under-
estimating the size of the absentee vote, which favored Bush. In addition there was also a
serious mistake in the early reporting of the vote in Duval County. Amazingly, the Voter
News Service had entered in 95% for Gore in this Republican county, which naturally
threw off their projection. (How in the world such an obvious mistake could have
escaped their notice for an hour is beyond us!) Then, near the end of the counting on
election night the Voter News Service estimated that there were only about 180,000 votes
left whereas in fact there were twice as many left; hence, there was actually more of a
chance for Gore to close the gap than the networks thought was possible.

Because Bush’s lead over Gore in the initial count was less than one-tenth of one
percent, Florida law mandated an automatic recount. How common are such narrow
margins? In the three other close national elections in the last four decades – 1960
(Kennedy vs. Nixon), 1968 (Nixon vs. Humphrey), 1976 (Carter vs. Ford) – only once
did any state result meet this criteria for closeness. And this was just tiny Hawaii, whose
4 electoral votes were never considered crucial to the outcome. Thus, few novelists
would have dared imagine the scene of a nation watching transfixed as county by county
recount figures came in from a state where 6 million people voted. And adding to the
surrealistic atmosphere was the national firestorm over Democratic complaints about the
confusing ballot in Palm Beach County.
Ultimately, with the margin between Bush and Gore down to 537 votes, the election hinged on whether or not the undervotes (ballots that showed no vote for president) would be examined by hand or not. The Gore campaign pointed out that in counties which used punch-card systems (such as Palm Beach, Miami-Dade, and Broward), that 1.5 percent of the ballots showed no presidential vote whereas only 0.3 percent of the ballots in counties that used scantrons were recorded as blank. (For an example of what a scantron ballot looked like, click here.) The reason offered for this difference was that some people do not punch holes all the way through the card, thereby not fully removing the indentation – the now famous chads. It just so happened that the counties that used punch-cards favored Gore, so any manual recount would likely have found more additional votes for Gore than Bush. Naturally, the Bush campaign realized this and opposed any manual recount. Bush supporters argued that such a review of the ballots was inherently arbitrary and subject to manipulation and differing standards.

As with any legal dispute, this one ended up in the Courts, which played a pivotal role in a presidential election for the first time ever. There was constant litigation in Florida over whether there would be hand recounts of ballots, the standards to be used in evaluating ballots, the time allowed for recounts, the acceptability of the design of the "butterfly" ballot, and a host of related questions. The Florida Supreme ultimately decided that the Florida Secretary of State's certification of the results was premature and that county-ordered recounts could proceed and must be accepted by the secretary of state. The U.S. Supreme Court vacated that decision and asked the Florida Supreme Court to explain its decision in *Bush v. Palm Beach County Canvassing Board* (2000).
In the meantime, there was further litigation regarding the official acceptance of new vote counts in various Florida counties. The Florida Supreme Court ruled in favor of Vice President Gore's request to have certain votes counted and, more broadly, ordered a recount of any ballots in the state that did not register a vote for president and that had not already been recounted by hand. It also ordered counties to apply the vague standard of "the clear intention of the voter" in evaluating ballots, the standard established by the Florida legislature. However, the U.S. Supreme Court in *Bush v. Gore (2000)* overruled the Florida Supreme Court and held that although a recount was legal, the same (and more precise) standards for evaluating ballots would have to be applied in all counties. However, the Court also decided that there would not be time to recount all the ballots in an orderly fashion by the time the electors were to vote on December 12. Thus, the U.S. Supreme Court ultimately determined that George W. Bush would emerge the winner.

For academic voting behavior specialists, the election of Bush came as quite a surprise. At the annual convention of the American Political Science Association in September 2000, a set of scholars presented a variety of models to predict the election, all of which had been accurate in previous years. Although some of these scholars were Democrats while others were Republicans, they unanimously predicted a margin of victory for Gore of about 10 percent. These models used economic indicators and the public’s approval of the incumbent president to project the outcome in 2000. With the economy rolling along, and with Bill Clinton’s job approval rating hovering around 60 percent, it seemed like a no-brainer for them to project that the Democrats would retain the White House.
The 2000 election, however, showed that how candidates present themselves to the American people really matters. Had Gore been able to keep the focus on past performance, he no doubt would have done better. But he chose to not even try to pursue this course. Rather, at the Democratic Convention he proudly announced that he was running as his own man. Throughout the campaign, he primarily looked forward to the future with new programs and initiatives rather than discussing the last four years. And when President Clinton volunteered to help out to make the case for staying the course, he was told by the Gore campaign to lay low.

George W. Bush sought to take advantage of concerns over presidential character raised during the Clinton administration by repeatedly promising to “restore dignity and honor to the White House.” He also gave a great deal of emphasis to the issue of the scope of government. Portraying Gore’s proposals as big government, he regularly stated that while Vice President Gore trusted government, he trusted the people. In this first election in decades held during a time of federal budget surpluses, he argued that government was taking in more than it needs. Rather than new government spending initiatives proposed by Gore, Bush called for a big tax cut that would benefit everyone.

While Bush and Gore debated the crucial theme of the scope of government, Ralph Nader, the Green Party candidate, raised issues neglected by the major parties. Nader argued that both parties were dominated by corporate interests and called for fundamental campaign finance reform and policies that place the protection of jobs for working Americans above the interests of big corporations. As it became clear that the race would be close, many liberal publications and political leaders tried to convince Nader to pull out of the race. Although Nader’s support dropped from 5 percent in some pre-election
polls to about 2.7 percent on election day, it seems likely that he cost Gore the election in some states. In Florida, Nader received over 97,000 votes – or nearly 200 times the 537 vote margin between Bush and Gore.

As shown in the Electoral College results, there were sharp regional divisions in the vote in 2000. Bush ran strong in the South and Mountain West, whereas Gore turned in a good showing in the Northeast and the Pacific Coast states. Although Bush won in the Electoral College by 271 to 266 (one Elector from Washington, D.C. abstained in protest), Gore narrowly won the popular vote by 48.4 to 47.9 percent. This marked the first time since 1888 that the winner of the popular vote lost the decisive Electoral College count. As a result, serious discussion is now being given to changing the Electoral College system. Senator Hillary Clinton of New York announced soon after her election that she would seek a constitutional amendment to provide for direct election of the president. But as with past proposals to reform this aspect of our elections, it is likely that reform proposals will encounter strong opposition from senators representing small states. And getting such a constitutional amendment ratified by the required 38 out of the 50 states will present an even steeper difficulty, given that well more than a dozen states receive extra power as a result of the Electoral College formula. As the framers intended, anything other than an overwhelming majority is not likely to result in any constitutional change, and given the current state of divided opinion this is not likely.

A week before Christmas, George W. Bush made his first trip to Washington as the president-elect. Had he taken the time to visit the gift shop in Dulles Airport when he arrived, he would have seen two T-shirts prominently displayed for sale. The pro-Bush shirt read, “Sore Loserman,” a jab at the Gore-Lieberman’s reluctance to concede after
the machine recount; the anti-Bush shirt read, “Injustice 2000: We’ve Been Chad.”

When one of the authors of this textbook asked the sales clerk which one was selling the best, the answer was that like the election it was dead even.

Questions for Discussion

1. Are you comfortable with the winner of the popular vote in the country losing the election to the winner of the Electoral College vote? Should the votes of some Americans count for more than the votes of others?

2. Should elections for national office be decentralized (as they are now) so that even different counties within states use different ballot designs and different machinery for counting votes? Should different states be able to apply different criteria for counting ballots such as punch cards?

3. How do you feel about the role of the networks in calling the election incorrectly – first for Gore and then for Bush? Is there any way to limit the networks without violating the First Amendment?

4. With a closely divided presidential election and an equally closely divided Congress, should President George W. Bush push his most far-reaching and controversial proposals such as vouchers for public school students and a large cut in income taxes, or should he adopt a more bipartisan stance and focus on positions with the best chance of obtaining Democratic support?

5. The U.S. Supreme Court ultimately determined the winner of the 2000 presidential election. Is this a proper function for the Court? Would it have been better if the Florida Supreme Court had determined if there was to be a hand recount and the standards to be used in such a recount?