



BIPARTISAN POLICY CENTER



COMMISSION ON POLITICAL REFORM

Governing in a Polarized America: A Bipartisan Blueprint to Strengthen our Democracy

This report is the product of the Bipartisan Policy Center's Commission on Political Reform. The findings and recommendations expressed herein do not necessarily represent the views or opinions of the Bipartisan Policy Center, its founders, or its board of directors

BPC Commission on Political Reform

CO-CHAIRS

Tom Daschle

Former U.S. Senate Majority Leader (D-SD); Co-founder, BPC

Dan Glickman

Former U.S. Secretary of Agriculture and U.S. Representative (D-KS); Senior Fellow, BPC

Dirk Kempthorne

Former Governor of Idaho, U.S. Secretary of the Interior, and U.S. Senator (R-ID); President and CEO, American Council of Life Insurers

Trent Lott

Former U.S. Senate Majority Leader (R-MS); Senior Fellow, BPC

Olympia Snowe

Former U.S. Senator (R-ME); Senior Fellow, BPC

COMMISSIONERS

Hope Andrade

Former Texas Secretary of State (R)

Molly Barker

Founder, Girls on the Run

Robert F. Bennett

Former U.S. Senator (R-UT); Senior Fellow, BPC

Henry Bonilla

Former U.S. Representative (R-TX); Partner, The Normandy Group

John Bridgeland

Former Director, White House Domestic Policy Council; Former Director, USA Freedom Corps; President and CEO, Civic Enterprises

Susan Eisenhower

Chairman of Leadership and Public Policy Programs, Eisenhower Institute; President, Eisenhower Group

Floyd H. Flake

Former U.S. Representative (D-NY); Pastor, Greater Allen A.M.E. Cathedral

Mark D. Gearan

Former Director, Peace Corps; President, Hobart and William Smith Colleges

Heather Gerken

J. Skelly Wright Professor of Law, Yale Law School

Michael Gerson

Former Speechwriter for President George W. Bush; Columnist, *The Washington Post*

Charles Gonzalez

Former U.S. Representative (D-TX)

Jennifer M. Granholm

Former Governor of Michigan (D)

Antonia Hernández

President and CEO, California Community Foundation

Karen Hughes

Former Under Secretary of State for Public Diplomacy and Public Affairs; Worldwide Vice Chair, Burson-Marsteller

Victoria Kennedy

Co-founder, Edward M. Kennedy Institute for the United States Senate

Chris Marvin

Managing Director, "Got Your 6"; Captain (ret.), U.S. Army

David McIntosh

Former U.S. Representative (R-IN); Partner, Mayer Brown LLP

Eric L. Motley

Former Special Assistant to President George W. Bush; Vice President, the Aspen Institute

Reihan Salam

Lead Writer, *National Review Online's* "The Agenda"

Kurt L. Schmoke

Former Mayor of Baltimore (D); Vice President and General Counsel, Howard University

Diane Tomb

Former President and CEO, National Association of Women Business Owners

Ann M. Veneman

Former U.S. Secretary of Agriculture; Former Executive Director of UNICEF

Ronald A. Williams

Former Chairman and CEO, Aetna Inc.; Founder, RW-2 Enterprises LLC

Elaine Wynn

Director, Wynn Resorts; National Chairman, Communities in Schools; President, Nevada State Board of Education

BPC Commission on Political Reform

STAFF

Dr. John C. Fortier

Co-Director

Michele Nellenbach

Co-Director

John Richter

Senior Advisor

Matthew Weil

Senior Policy Analyst

Eric Larson

Policy Analyst

Domingo Juan

Administrative Assistant

Don Wolfensberger

Resident Scholar

Table of Contents

Letter from Co-Chairs	5
Executive Summary	7
Commission Recommendations	11
Electoral System Reform	11
Congressional Reform	12
A Call to Service	14
Introduction	19
National Conversations on American Unity	19
The Political Dysfunction in Washington	21
The Political System Must More Effectively Channel Our Differences	23
The Commission's Recommendations	24
Electoral System Reform . . . . .	.25
Congressional Reform . . . . .	.25
A Call to Service . . . . .	.26
A Truly Bipartisan Consensus	26
Electoral System Reform: Creating a Fairer, More Open, and More Transparent Process	29
Redistricting Reform	30
Redistricting Commissions . . . . .	.31
Redistricting Processes and Procedures . . . . .	.33
Primary Reform	35
Broadening Participation . . . . .	.35
Election Administration	39
Access and Integrity in Voter Registration . . . . .	.40
Early Voting . . . . .	.42
Professionalization and Depoliticization of Election Administration . . . . .	.43
Election Reporting . . . . .	.44
Money in Politics	46
Disclosure . . . . .	.46
Additional Areas of Study . . . . .	.48
Conclusion	49

Congressional Reform: Transforming Congress into a Higher-Performing Institution	51
The Daily Life of a Member of Congress	52
Improving the Legislative Process	56
Congressional Committees	56
Robust Debate	58
The Filibuster	64
Congress and the Purse Strings	67
Conclusion	69
A Call to Service: A More Engaged Citizenry	71
An Expectation to Serve	71
The History of Service	72
Why Service?	75
An Expectation of Service	75
Training	78
Expanding Opportunities	80
The Infrastructure	81
Private-Sector Commitment	83
Government Service	84
Elective Office	84
Political Appointments	88
Civil Service	94
Civics Education	95
Conclusion	97
Conclusion	99
APPENDIX: Data on Congress	100

Letter from Co-Chairs

We are honored to serve as co-chairs of the Bipartisan Policy Center's Commission on Political Reform and deeply grateful to both our remarkable group of 24 commission colleagues and to concerned Americans across the country who engaged with us in this effort.

In today's hyper-partisan era, when citizens are more politically divided and get more of their news and information from ideologically driven sources, this effort has provided a forum for those who believe that despite our differences, we must begin to listen to each other and work together in order to find common ground.

As we have seen throughout our careers, many political decision-makers increasingly favor partisan rancor over reasoned debate in discussing national policies. With such deeply held contrasting principles, we as a country must ask: "Can our democracy function effectively in such a partisan era?"

We believe the answer is yes, but engagement by the American people will be necessary, as has been the case throughout history, to encourage policymakers to solve problems. We come here today with the hope that our democracy will once again be able to respond to national challenges, despite our ideological differences.

We hosted a series "National Conversations on American Unity," to explore the depth of our divisions, their causes, and the effects they have on our government and the confidence of the American people. Over the past 18 months, we have conducted four public forums across the country and, with your input, we have developed more than 60 recommendations and reforms contained in this report that will allow our political system to operate more effectively.

Americans can work together while holding true to their principles, because collectively we believe in the sanctity of our nation. Above all else, as George Washington said, "The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations."

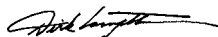
We are here today as Americans with the conviction that our nation, unique in history, can find its way through these difficult times and continue to shine as an example of democracy for the rest of the world.



Tom Daschle



Dan Glickman



Dirk Kempthorne



Trent Lott



Olympia Snowe



Governance Program
Commission on Political Reform



Executive Summary

The Bipartisan Policy Center launched the Commission on Political Reform in 2013 to investigate the causes and consequences of America's partisan political divide and to advocate for specific reforms that will improve the political process and that will work in a polarized atmosphere.

The commission met at public and private institutions across the country to hear from interested citizens, political leaders, and issue experts about the problems and potential solutions. It is clear that Americans are concerned about the lack of civil discourse and the increasing inability of the U.S. political system to grapple with the nation's biggest challenges. These shortcomings put the nation at risk of losing its standing in the world.

This report, *Governing in a Polarized America: A Bipartisan Blueprint to Strengthen our Democracy*, is the culmination of the commission's public and private deliberations, but it is not the end of its work. Our recommendations provide a realistic path forward to strengthen U.S. democracy. The commission does not pretend to have discovered the cure to all that ails democracy. But, 29 Americans have come together as part of our commission to embrace a truly bipartisan reform agenda.

The commission identifies reforms in three specific areas: the electoral process, the process by which Congress legislates and manages its own affairs, and the ability of Americans to plug into the nation's civic life through public service. We chose to focus on three broad areas of reform, because the polarization in the United States runs deeply through its institutions, affects the ways Americans elect political leaders and how the institutions of government operate, and even puts in danger Americans' deep-seated desire to serve their nation.

Electoral System Reform

Our first set of recommendations concerns the electoral "rules of the game," by which men and women are elected

to serve their neighbors. The sad truth is that both major political parties firmly believe the other party is engaged in a constant mission of manipulating these rules to obtain an unfair advantage. This sense of distrust permeates the entire electoral process and reverberates into the legislative realm. If Americans do not trust that the system is on the level and think it has broken down, the United States will no longer be able to claim a government that rules with the consent of the governed.

The commission proposes the following recommendations to reduce distrust in the electoral system:

- States should adopt redistricting commissions that have the bipartisan support of the legislature and the electorate.
- States and political parties should strive to dramatically increase the number of voters who cast ballots in political primaries. They should strive to increase the number of eligible voters who turnout in 2020 by 30 percent and in 2026 by 35 percent.
- States should move away from very low-turnout methods of candidate selection, such as caucuses and conventions.
- States should create a single, national congressional primary date in June.
- States should dramatically improve access to their voter-registration lists by strengthening opportunities to register to vote and identifying eligible unregistered voters and contacting them with the opportunity to register. To ensure greater integrity, states should encourage direct opportunities for voters to input their own registration information and update their addresses. States should also conduct crosschecks with other states' lists and with other databases to eliminate ineligible registrations or to correct mistakes on registration rolls.

-
- Political contributions, including those made to outside and independent groups, should be disclosed so that citizens have full information about who is paying for the political messages they see.
 - Congress should pass legislation requiring detailed disclosure of spending by congressional leadership PACs and mandating that leadership PAC funds be used solely for political activities (such as donations to other candidates) and not for personal use.
 - In its rules, Congress should limit the use of leadership PACs to the top three congressional leaders of each party in both the House of Representatives and the Senate.
 - Full-fledged conference committees between the chambers on important legislation are essential to ensuring greater member participation in the policy process.
 - Committee chairs should solicit the views of all committee members well in advance of a committee markup and should pay special attention to the minority members so that efforts are made to incorporate as many of their suggested changes into the “chairman’s mark” before the bill is marked up by the full committee.
 - It should be the policy of the Senate that changes to its rules be made at the start of a new Congress. Debate over changes to those rules will come to a conclusion and to a vote when two-thirds of the Senate agrees to them.

Congressional Reform

Our second set of recommendations focuses on the institution that is at the epicenter of today’s polarized politics: the U.S. Congress. For many Americans, the Congress is simply not performing the job it is required to do—passing budgets, responsibly managing the nation’s finances, making the decisions necessary to ensure that government functions at a basic level of efficiency. Regular gridlock has damaged Congress’s reputation with the American people, and congressional job approval has dropped to near record lows.

That is why the commission recommends reforming Congress in ways that will lead to a better-functioning institution during this period of hyperpolarization:

- The House of Representatives and the Senate should schedule synchronized, five-day workweeks in Washington, with three weeks in session followed by one-week recesses.
- The president should hold regular, monthly meetings with congressional leaders and be invited by leadership to attend joint congressional caucuses twice a year.

- The Senate majority leader is encouraged to exercise the leader’s discretion under the rules to allow, on a selective basis, for a filibuster to proceed uninterrupted until all senators wishing to speak have done so.
- The Senate should establish a process that gives priority consideration to a minimum of ten amendments offered by and alternating between senators of both parties.
- Congress should adopt a biennial budget process that includes two-year budget resolutions and appropriations bills, with expedited consideration given to enacting into law two-year discretionary spending ceilings for enforcement purposes.

A Call to Service

Successful democracies require an educated citizenry who actively participates in civic life. Unfortunately, over the past five decades, the United States has witnessed a steady and perilous decline in the habits that define U.S. citizens: fewer Americans volunteer, charitable giving is lower, and many young adults increasingly question the value of seeking elective office. So our third set of recommendations is

geared to reversing these trends and reinforcing the notion that, as Americans, we are all part of a common enterprise that requires a lifetime of civic engagement.

Our broad set of recommendations is generally focused on engaging more people in civic life:

- All Americans ages 18 to 28 should commit to one full year of service to their communities and the nation. This commitment can be fulfilled by participating in any type of full-time service, including military service; civilian service, in programs such as the Peace Corps or AmeriCorps; or volunteer service, through local and national nonprofits and religious entities that serve communities and the country.
 - Colleges and universities should reaffirm their missions to develop engaged and active citizens and encourage service in formal and informal programs.
 - Consistent with state constitutions, schools should refocus on their original civic missions to provide the core values, knowledge, and ideas from U.S. history in civic learning that will equip the next generation of active, engaged citizens. Educators need modern curricula, professional development, and training to provide adequate civic skills to young Americans.
 - The federal government must leverage additional resources to increase the supply of available positions in AmeriCorps, VISTA, and the Peace Corps—successful government-service programs that turn away countless individuals each year.
 - The public and private sectors should create a nationally recognized “qualified service” opportunity program that uses modern technology to match the supply of existing yearlong service opportunities to the demand of applicants seeking to meet their new cultural expectation to serve.
- Political parties should ensure that all efforts are made to engage under-30 candidates by providing them with candidate training and access to the resources necessary to run competitive campaigns for elective office at the local, state, and federal levels.
 - For federal appointees, only the 500 filling the top policymaking roles in the various departments and agencies should require confirmation by the Senate.
 - Presidential administrations should open political appointments to the widest possible pool of applicants. They should not impose overly burdensome pre-employment restrictions or rule out entire classes of candidates, but they should consider the merits of each individual for a position of public service.

These proposals are not a magic elixir that will restore America’s body politic to health overnight. We do not call for a constitutional convention, the establishment of a viable, national third party, or for a billion-dollar campaign to educate the public. Our recommendations are practical and achievable and, if implemented, will be a first step toward lowering the temperature on an overheating, polarized political process. We present a series of ideas that can generate true bipartisan support while remaining mindful of the political divisions that define the country and the political imperatives that influence the decisions of elected leaders. Taken together, these recommendations have the potential to transform the nation’s politics and civic life. The result will be a stronger, more united country that is better equipped to meet the challenges of our times.



Governance Program
Commission on Political Reform



Commission Recommendations

Electoral System Reform

RECOMMENDATION 1.1: States should adopt redistricting commissions that have the bipartisan support of the legislature and the electorate.

RECOMMENDATION 1.2: States should use neutral line-drawers in their redistricting processes.

RECOMMENDATION 1.3: States should move to a more open process for redistricting.

RECOMMENDATION 1.3a: Private individuals and groups should have access to technological redistricting tools, such as sophisticated mapmaking software, which would allow them to more easily participate in the process.

RECOMMENDATION 1.3b: States should publicly release initial redistricting plans with sufficient time for public comment.

RECOMMENDATION 1.3c: States should implement contests by which private individuals or groups submit redistricting plans to encourage citizen engagement and to ensure that the line-drawers are informed about as many public opinions as possible.

RECOMMENDATION 1.4: States should adopt some forms of neutral geographic factors that limit the ability of mapmakers to draw districts that are strangely shaped.

RECOMMENDATION 1.5: States and political parties should strive to dramatically increase the number of voters who cast ballots in political primaries. Today, stand-alone congressional primaries average approximately 20 percent turnout of eligible voters. We call on states and the political parties to engage voters to increase that percentage to 30 percent of eligible voters by 2020 and 35 percent of eligible voters by 2026.

RECOMMENDATION 1.6: States should adopt open or semi-open primaries to allow independents and/or members of the opposite party to cast ballots in a political primary.

RECOMMENDATION 1.7: States should move away from very low-turnout methods of candidate selection, such as caucuses and conventions.

RECOMMENDATION 1.8: States should create a single, national congressional primary date in June.

RECOMMENDATION 1.9: States should dramatically improve access to their voter-registration lists by strengthening opportunities to register to vote and by identifying eligible unregistered voters and contacting them with the opportunity to register. To ensure greater integrity, states should encourage direct opportunities for voters to input their own registration information and update their addresses. States should also conduct crosschecks with other states' lists and with other databases to eliminate ineligible registrations or to correct mistakes on registration rolls.

RECOMMENDATION 1.10: States should enact a seven- to ten-day period of early voting prior to Election Day that includes at least one day of voting on each day of the week.

RECOMMENDATION 1.11: States should emphasize the independence and professionalism of election administrators and encourage career election officials who work for election officials with party identification to participate in continuing-education opportunities in order to stay current on innovations in the field.

RECOMMENDATION 1.12: States should improve data-collection efforts in order to provide quantifiable evidence to support policy changes. States should make these data widely accessible.

RECOMMENDATION 1.13: States should review and revise their procedures for all recounts to ensure that current laws reflect the latest advancements in election technology and also allow for recounts to be completed within a timeframe that enables a victorious candidate to take office on time.

RECOMMENDATION 1.14: States should reduce the number of absentee ballots that cannot be counted on Election Day by encouraging voters to return ballots earlier in the process while recognizing that voters must be afforded the full opportunity to cast their ballots, especially from overseas.

RECOMMENDATION 1.15: States should improve the overall voting process so that fewer provisional ballots are needed on Election Day.

RECOMMENDATION 1.16: Political contributions, including those made to outside and independent groups, should be disclosed so that citizens have full information about who is paying for the political messages they see.

RECOMMENDATION 1.17: Congress should pass legislation requiring detailed disclosure of spending by congressional leadership PACs and mandating that leadership PAC funds be used solely for political activities (such as donations to other candidates) and not for personal use.

RECOMMENDATION 1.18: In its rules, Congress should limit the use of leadership PACs to the top three congressional leaders of each party in both the House of Representatives and the Senate.

RECOMMENDATION 1.19: Congress should establish a Bipartisan National Task Force on Campaign Finance whose structure is modeled after that of the 9/11 Commission.

Congressional Reform

RECOMMENDATION 2.1: The House of Representatives and the Senate should schedule synchronized, five-day workweeks in Washington, with three weeks in session followed by one-week state and district work periods.

RECOMMENDATION 2.2: The joint leadership in the House of Representatives and the Senate should each plan periodic, informal gatherings for their members that are centered on a particular theme or speaker to allow for more relationship-building across the aisle.

RECOMMENDATION 2.3: Joint party caucuses should be scheduled in both chambers at least once a month to discuss potential areas for legislative cooperation.

RECOMMENDATION 2.4: The president should hold regular, monthly meetings with congressional leaders and be invited by leadership to attend joint congressional caucuses twice a year.

RECOMMENDATION 2.5: Members must devote more quality time and attention to their policy duties on a few committees.

RECOMMENDATION 2.6: Both the House of Representatives and the Senate should continue the practice initiated by the House recently of allowing committees to work every morning without the interruption of floor business and votes.

RECOMMENDATION 2.7: Important legislation should not be brought to the floor of either the House of Representatives or the Senate without the benefit of committee deliberations and a full report.

RECOMMENDATION 2.8: Full-fledged conference committees between the chambers on important legislation are essential to ensuring greater member participation in the policy process.

RECOMMENDATION 2.9: Committee chairs must take a greater lead in passing authorization bills after thorough oversight hearings and full committee deliberations.

RECOMMENDATION 2.10: Bills should be posted a minimum of three days in advance of a vote to allow sufficient time for members and the public to read and discuss the measures.

RECOMMENDATION 2.11: Committee chairs should solicit the views of all committee members well in advance of a committee markup and pay special attention to the minority members so that efforts are made to incorporate as many of their suggested changes into the chairman's mark before the bill is marked up by the full committee.

RECOMMENDATION 2.12: The majority leadership in the House of Representatives should allow the Rules Committee to report more modified open rules that: (a) require all amendments to be pre-printed in the Congressional Record before their consideration and (b) set an overall time limit for the offering of amendments on most bills.

RECOMMENDATION 2.13: It shall be the policy of the Senate that changes to its rules be made at the start of a new Congress. Debate over changes to those rules will come to a conclusion and to a vote when two-thirds of the Senate agrees to them.

RECOMMENDATION 2.14: The Senate majority leader is encouraged to exercise the leader's discretion under the rules to allow, on a selective basis, for a filibuster to proceed uninterrupted until all senators wishing to speak have done so.

RECOMMENDATION 2.15: The Senate should require publication of "holds" on nominations after 24 hours have passed from the senator's notification of the hold.

RECOMMENDATION 2.16: The Senate should establish a process that gives priority consideration to a minimum of ten amendments offered by and alternating between senators of both parties.



RECOMMENDATION 2.17: The Senate should limit debate time on motions to proceed to the consideration of legislation.

RECOMMENDATION 2.18: Congress should adopt a biennial budget process that includes two-year budget resolutions and appropriations bills, with expedited consideration given to enacting into law two-year discretionary spending ceilings for enforcement purposes.

RECOMMENDATION 2.19: To further enhance the role and importance of authorizing committees, leadership in both houses and their committee chairmen should more strictly enforce existing House and Senate rules prohibiting legislative language of a new and substantive policy nature from being included in appropriations bills and from being offered as floor amendments to appropriations bills.

A Call to Service

RECOMMENDATION 3.1: All Americans ages 18 to 28 should commit to one full year of service to their communities and the nation. This commitment can be fulfilled by participating in any type of full-time service, including military service; civilian service, in programs such as the Peace Corps or AmeriCorps; or volunteer service, through local and national nonprofits and religious entities that serve communities and the country.

RECOMMENDATION 3.2: All Americans should participate in service opportunities during their careers and retirements in order to stay connected with one another and to provide invaluable skills and experience to help meet the nation's pressing challenges and support a volunteer service apparatus.

RECOMMENDATION 3.3: Colleges and universities should reaffirm their missions to develop engaged and active citizens and to encourage service in formal and informal programs.

RECOMMENDATION 3.4: The federal government must leverage additional resources to increase the supply of available positions in AmeriCorps, VISTA, and the Peace Corps—successful government service programs that turn away countless individuals each year.

RECOMMENDATION 3.5: State and local governments should take executive action across departments and agencies to expand service opportunities in areas where there is a demonstrated need.

RECOMMENDATION 3.6: Governors and mayors should work with private and religious nonprofits to identify ways to meet local needs with participants in “qualified service” programs.

RECOMMENDATION 3.7: The public and private sectors should create a nationally recognized “qualified service” opportunity program that uses modern technology to match the supply of existing yearlong service opportunities to the demand of applicants seeking to meet their new cultural expectation to serve.

RECOMMENDATION 3.8: A part of the “qualified service” opportunity program should be a capacity to crowdfund individual yearlong service opportunities that the market deems worthy of private donations.

RECOMMENDATION 3.9: More private-sector companies should make service-sabbatical opportunities available to their employees so that they can use their business skills and expertise to help meet public needs in their own communities, elsewhere in the United States, or in other nations around the world.

RECOMMENDATION 3.10: Schools should increase dramatically the opportunities for students to participate in student government and other leadership roles, which research shows leads to greater participation in public service later in life.

RECOMMENDATION 3.11: Political parties should ensure that all efforts are made to engage under-30 candidates by providing them with candidate training and access to the resources necessary to run competitive campaigns for elective office at the local, state, and federal levels.

RECOMMENDATION 3.12: For federal appointees, only the 500 filling the top policymaking roles in the various departments and agencies should require confirmation by the Senate.

RECOMMENDATION 3.13: The private sector should form a clearinghouse that recommends qualified nominees to the president from the business and nonprofit communities.

RECOMMENDATION 3.14: Presidential administrations should open political appointments to the widest possible pool of applicants. They should not impose overly burdensome pre-employment restrictions or rule out entire classes of candidates, but should consider the merits of each individual for a position of public service.

RECOMMENDATION 3.15: The legislative and executive branches must streamline and reduce the paperwork and financial disclosure forms for political appointees.

RECOMMENDATION 3.16: Post-employment restrictions on political appointees should generally last no longer than one year.

RECOMMENDATION 3.17: The executive branch should significantly scale up its presidential personnel operation during its first year in office, a recommendation that has been developed by the Aspen Institute's Commission to Reform the Federal Appointments Process.

RECOMMENDATION 3.18: Congress and the executive branch should expand the list of appointees deemed essential for government operation to 150, while nominating and confirming these appointees under an expedited process.

RECOMMENDATION 3.19: The executive branch should highlight the careers and achievements of career civil servants to promote a better public understanding of the important contributions they make to our society.

RECOMMENDATION 3.20: The federal government should scale up its Pathways-branded programs, which connect students with potential avenues for employment within the federal government.

RECOMMENDATION 3.21: Executive branch agencies should set aside a certain number or percentage of entry-level positions each year for college recruits.

RECOMMENDATION 3.22: To increase interest in civil service opportunities, executive branch agencies should engage in more extensive advertising at job fairs and on job websites that specialize in connecting entry-level employees to employers.

RECOMMENDATION 3.23: Federal and state governments should allow more flexibility for seamless interagency transfers so that the best civil servants stay interested in government service without having to worry about differing retirement, pay, and benefits systems.

RECOMMENDATION 3.24: Consistent with state constitutions, schools should refocus on their original civic missions to provide the core values, knowledge, and ideas from U.S. history in civic learning that will equip the next generation of active, engaged citizens. Educators need modern curricula, professional development, and training to provide adequate civic skills to young Americans.



Governance Program
Commission on Political Reform



Introduction

No scholar would describe the history of the United States of America as 238 years of uninterrupted tranquility and national cohesion. The United States has always been laced with divisions, a fact that should not surprise anyone in a nation as large, diverse, and dynamic as America's. Debates over how the nation should distribute limited public resources have continued unabated. Differences in strongly held moral and religious values have helped fuel some of the nation's fiercest political battles. Thankfully, for most of U.S. history, the political system has successfully embraced and managed these differences in ways that have moved the country in new and promising directions.

National Conversations on American Unity.

The Bipartisan Policy Center's Commission on Political Reform in partnership with *USA TODAY* hosted four town halls on political reform to solicit input from stakeholders, experts, and political leaders across the country. Public input was an integral part of the commission's process to craft a package of realistic and actionable recommendations for improving the political process. All forums were open to the public and available by live webcast.

- The Ronald Reagan Presidential Foundation and Library, Simi Valley, CA – March 6, 2013
- The National Constitution Center, Philadelphia, PA – July 23, 2013
- The Ohio State University, Columbus, OH – October 15, 2013
- The John F. Kennedy Presidential Library and Museum with the Edward M. Kennedy Institute for the United States Senate, Boston, MA – March 26, 2014.

Today, the common civic space that has traditionally helped narrow and temper our differences is eroding. There is now “blue” and “red” America, as if our country is a sports league with competing franchises. In the political

realm, more and more Americans are voting as if they are members of a partisan team. The inability to see value in another side's opinions threatens to leave us hopelessly gridlocked on the many large public policy questions.

The story of American exceptionalism is strength through diversity. *E pluribus unum*. “Out of many, one.” It is this tradition that inspired the Bipartisan Policy Center (BPC) to create the Commission on Political Reform (CPR). Over the past 18 months, the commission has engaged in an extensive effort to investigate the causes and consequences of America's partisan political divide.

To assist us, we convened a series of “National Conversations on American Unity” at the Ronald Reagan Presidential Foundation and Library, the National Constitution Center, the Ohio State University, and the John F. Kennedy Presidential Library and Museum in conjunction with the Edward M. Kennedy Institute for the United States Senate. Using the latest communications technologies, we have spoken with thousands of experts, academics, politicians, public policy professionals, and most importantly, concerned citizens, who have shared their views about the sources of today's political dysfunction and the remedial steps that should be taken.

The recommendations that follow provide a realistic path forward to strengthen U.S. democracy. The commission does not pretend to have discovered the cure to all that ails democracy. But 29 Americans have come together as part of BPC's commission to embrace a truly bipartisan reform agenda.

Taking the Cue: The Power of Suggestion.

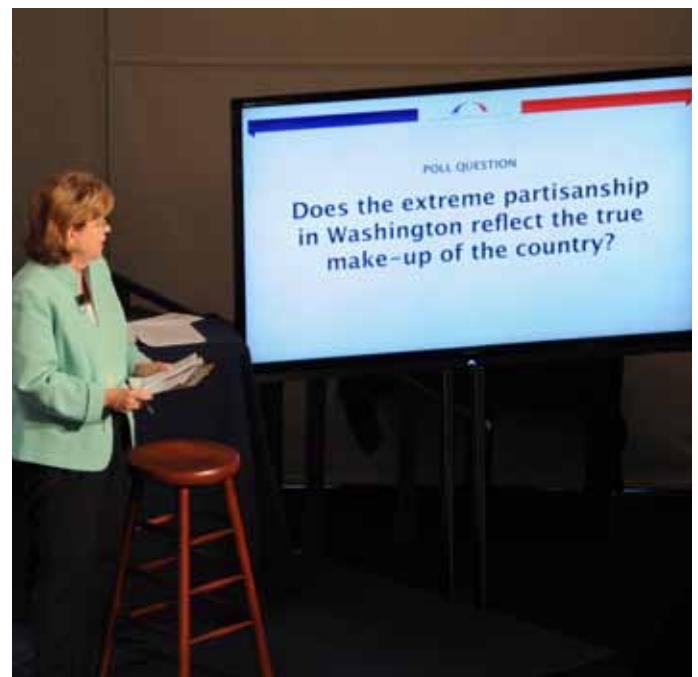
A poll commissioned last year by BPC and *USA TODAY* demonstrates with striking clarity how voters are responding to cues about the political parties with which they already identify.¹ Poll respondents were presented with the following statement: “To improve education, Democrats have proposed reducing class sizes in our schools and making sure teachers teach the basics, and Republicans have proposed increasing teacher pay while making it easier to fire bad teachers.” 75 percent of the Democrats polled either “strongly agreed” or “somewhat agreed” with the Democratic proposal, while only 13 percent of Republicans took this position. However, when the same proposal to reduce class size and emphasize the basics was later described as a Republican initiative, only 12 percent of Democrats strongly agreed or somewhat agreed with it, while 70 percent of Republicans supported it in some fashion. Similar results were found with respect to the proposal to increase teacher pay and fire bad teachers. Most poll respondents supported each proposal only if it was ascribed to their own party.

This division of “red” and “blue” America can be seen most clearly in Washington and especially in Congress. Today, the most conservative Democrat in the House of Representatives or the Senate is to the left of the most liberal Republican. A generation ago, this was not the case. The political parties were, broadly speaking, representative of left and right, but there were large numbers of conservative Democrats and liberal Republicans who might vote with great regularity with the other party. To borrow a metaphor from a congressional scholar, Congress in much of the second half of the twentieth century could be viewed as playing on a football field with the two teams intermingling around the 50-yard line.² Some red players actually played more on the blue side of the field and vice versa. That same football field today shows two teams, red and blue solidly on their own side of the field, clustered

around their own 25- or 30-yard lines, and almost none of whom would dare to play in the neutral zone between the parties.

While most voters, even those who call themselves independents, regularly vote for one party, there are increasing numbers of people who do not want to be identified as members of either party.

Like the two partisan teams in Congress, the American people have chosen sides and regularly vote for the same political party. Most voters reliably vote for either the Democratic or Republican Party candidates, with only a small slice, maybe 10 to 15 percent of the electorate that truly swings back and forth from one party to the other.³



With Congress and the American people voting more along regular party lines, it is not surprising that it is often hard to govern. The parties have opposing views on most of the big issues of the day. There is a tendency to think of politics as a zero-sum game; when one party wins, the other must lose, so the spirit of compromise is often lost. Divided government exacerbates the problems of governance, as neither party may be able to push forward its policy goals without being regularly blocked by the other.

But in addition to the great divisions between the political parties, between the red and blue teams, there is also a growing sense of strife within the political parties. While most voters, even those who call themselves independents, regularly vote for one party, there are increasing numbers of people who do not want to be identified as members of either party. The number of self-identified independents has grown dramatically. An April 2014 poll showed 42 percent of Americans identified as independents, more than identified with either major political party, and 12 percentage points higher than a similar poll taken ten years earlier.⁴

While, again, most of those independents are not swing voters and vote regularly for either Democrats or Republicans, they nonetheless still choose not to identify with the two major political parties. Something has caused them to shy away from formal affiliation with the parties—whether it is a distrust of the establishment, differences on policy issues, or a lack of interest in formal political institutions.

So while voters line up regularly for the red and blue team on Election Day, there is dissension or alienation within the teams. Another manifestation of that dissatisfaction is pointed to by scholars who note that while Americans tend to vote regularly for one party or the other, they often do not agree with 100 percent of the public policy positions of those political parties.⁵ Even a very loyal Democrat or Republican might find that on a third of the issues, they

are at odds with the party they support. This dissension within the party ranks is also seen in Washington, when the political parties are clear in their opposition to the other party, but also find that they have a difficult time keeping their members together on important votes.

Most Americans can see this political polarization for themselves. The causes and the manifestations of it are many. But we note the polarizing choices that the Americans make in the news they seek out, the people with whom they associate, and the political ads that they watch.

Even a very loyal Democrat or Republican might find that on a third of the issues, they are at odds with the party they support.

Today's system of instantaneous, 24/7 communications has reinforced these divisions. Instead of bringing people together through shared information and a common understanding of issues, it has had the opposite effect—with many Americans gravitating to those media outlets that reinforce, rather than challenge, their previously held views. Republicans are much more likely to be frequent viewers of Fox News, while Democrats are more likely to regularly watch MSNBC.⁶

This echo chamber is expanding beyond the living room to neighborhoods and workplaces. Americans tend to have spouses, family members, and friends who share their political views, and even significant numbers are choosing to live in communities and work in environments with other like-minded people. The fact that there are more consistently “blue” and “red” states and fewer swing states in national elections is perhaps a reflection of this self-segregation.

Self-Segregating Along Partisan Lines.

A poll commissioned last year by BPC and *USA TODAY* shows how Americans are self-segregating along partisan lines in their neighborhoods and workplaces.⁷ Among those polled, 37 percent of the Republicans and 34 percent of the Democrats indicated that the people they talk to in their neighborhoods are mostly from the same political party. On the other hand, only 17 percent of Republicans and 18 percent of Democrats said that most of their neighborhood interactions were with individuals of a different party. While at work, 28 percent of Republicans and 27 percent of Democrats indicated that the people they talk to are mostly from the same political party. Only 12 percent of Republicans and Democrats indicated that their workplace interactions were mostly with individuals of a different party.

Americans are also subjected to a record number of political advertisements, paid for by increasing sums of campaign money. Most campaign money is spent on television advertising. And these ads, whether run by candidates, parties, or outside groups, frame the world with a much

more political tone, because a majority of these ads are negative toward the other party.⁸

The Political Dysfunction in Washington

The dysfunction that has dominated the political system in Washington in recent years is both a symptom of the broader polarization of society and a force that helps drive it. Americans must understand that they elect the nation's leaders, who ultimately are accountable to them. As the American people move further and further apart into separate ideological and cultural camps, is it any wonder that those they send to Washington are doing so as well? If the American people want a political system that functions at a higher level of performance and manages our differences more effectively, some self-reflection is in order. For most politicians, there is simply far less risk in telling their electorate what it wants to hear than in reaching across the aisle and engaging in the hard work of consensus-oriented legislating.

At the same time, when members of the two political parties in Washington appear incapable of working together



toward a common goal and increasingly view each other not as political opponents but as “enemies,” one cannot understate the pernicious impact this sentiment—amplified by talk radio, social media, and cable news—has on public attitudes and understanding. The recent edge-of-the-cliff debates over budgets, appropriations, the debt limit, and sequestration only further damage the government’s standing in the eyes of the American people.

It is clear that political dysfunction in Washington impacts the broader culture and contributes to the greater social polarization we are witnessing today. Conversely, a more effective, results-oriented government that capably responds to our nation’s challenges has the potential of acting as a unifying force.

Political dysfunction has real, measurable costs: Simply put, it is preventing the country from solving its very serious problems—an economic recovery that is anemic, a fiscal situation that remains precarious, an immigration system that is broken, and an array of global concerns that test and threaten national security. Responding to these challenges requires all levels of government to operate at minimum standards of efficiency.

The nation’s political and economic strength at home and abroad depends on the political system being capable of making decisions that demonstrate leadership to the world. The United States must be able to resolve its conflicts and differences, deal with the major issues of our time, and give the American people and the world at large the trust and confidence they need to believe that the U.S. system of government works. Specifically, the American people must trust that the system is looking out for their best interests. Whether it is a strong military, foreign service, or the domestic priorities of a superior infrastructure, education, or job creation, all of these require a thriving democracy adhering to the principles of good governance and working together. Otherwise, U.S. leadership both at home and around the world will be in jeopardy.

Those of us in the United States often forget that the world watches what we do and what we say very closely. Concepts like the debt ceiling and the filibuster are well understood in foreign capitals. When political dysfunction prevents the government from discharging its most basic responsibilities, this circumstance is deeply disturbing to global friends and allies who rely on a strong and steady America. It diminishes the United States as a proven democratic example and a beacon of hope for millions throughout the world.

The Political System Must More Effectively Channel Our Differences

Many members of the commission have served in local, state, and national elected and appointed offices. Others are nonprofit, religious, and educational leaders. We are Democrats and Republicans, liberals and moderates and conservatives. We came to public service with deeply held convictions that continue to inform our decision-making. Our experience tells us that a strong, vibrant political system is one that is able to accept strong differences among its participants and channel these differences in productive ways.

We also understand that, at times, effective self-governance requires compromise. To compromise is not to dance with the devil: it is the lubricant of our democracy. As President Ronald Reagan observed, “The person who agrees with you 80 percent of the time is a friend and an ally—not a 20 percent traitor.”



Voter Policy Preferences May Not Exactly Match Party Platforms.

Some political scientists argue that, while most Americans regularly vote for one party, their policy views are not as cleanly divided between the left and the right as their voting patterns would otherwise suggest.⁹ These scholars point to the many loyal members of both major political parties who disagree with key elements of their own party's platforms while still reliably supporting their party's candidates at the ballot box. The suggestion is that the overall policy preferences of many Americans are closer to the middle than the policy positions of their parties. There is no evidence, however, of the imminent emergence of a major centrist party in American politics.

Of course, the Framers never intended the U.S. political system to operate without conflict. In fact, they institutionalized conflict by creating a system of checks and balances to ensure that no one of the three branches of the federal government—executive, legislative, and judicial—would become too powerful and exercise undue influence over the other. Within the bicameral Congress, another restraint was put into the place: with its members serving six-year terms and therefore presumably less susceptible to the passions of the day, the Senate was designed to temper legislation passed by the House of Representatives.¹⁰

While certainly not perfect, this system of checks and balances has withstood the test of time and served the nation well. It has been an effective instrument for expressing the will of democratic majorities, while protecting the rights of minorities. It has proven capable of identifying urgent national problems, crafting solutions, and ensuring these solutions are duly implemented. It has harnessed the energies and resources of the country at times of national crisis.

But the political system as it operates today has clearly lost some of its equilibrium. There are too many checks working inside and outside of the system and not enough balancing forces that promote actual problem-solving. The result is a state of gridlock and political dysfunction that is no longer tolerable in light of the serious challenges our country faces. It is time to make the adjustments to set our ship of state on a course of greater effectiveness and a higher level of performance.

There are too many checks working inside and outside of the system and not enough balancing forces that promote actual problem-solving. The result is a state of gridlock and political dysfunction that is no longer tolerable in light of the serious challenges our country faces.

The Commission's Recommendations

This report sets forth our findings and identifies a series of reforms in three specific areas: (1) the electoral process, (2) the process by which Congress legislates and manages its own affairs, and (3) the ability of Americans to plug into our nation's civic life through public service. We chose to focus on three broad areas of reform because the polarization in the United States runs deeply through its institutions, affects the ways political leaders are elected and how institutions of government operate, and even puts in danger Americans' deep-seated desire to serve their nation.

An Active and Engaged Citizenry is Essential for Reform.

The commission's recommendations can be seen as three concentric circles. The outer ring is the process that establishes the rules by which the nation conducts elections. The second ring is Congress, the institution that is vested by the Constitution with the federal government's legislative power. And the third and inner ring is the American people, from whom all authority in the political system emanates. At the core of this third ring is an active and engaged citizenry that also serves as the center or axis of the outer and second rings.

Electoral System Reform

Our first set of recommendations concerns the electoral rules of the games, by which men and women are elected to serve their neighbors. The sad truth is that both major political parties firmly believe the other party is engaged in a constant mission of manipulating these rules to obtain an unfair advantage. This sense of distrust permeates the entire electoral process and reverberates into the legislative realm. If Americans do not trust that the system is on the level and has broken down, the United States will no longer be able to claim a government that rules with the consent of the governed.

The commission proposes to reduce this distrust through reforms aimed at promoting impartiality and fairness in the drawing of legislative districts through independent redistricting commissions. We also propose reforms to improve access to, and integrity in, voter registration as well as promote greater professionalism in state election administration.

The commission believes political parties should be engaged in reaching out to a much wider swath of voters. Turnout, particularly in primary elections, is too low. The

parties must engage more than just a faction within their coalition and should see primaries as a way of attracting the general public to their party's message and candidates. To increase voter participation and engagement with the parties, we propose changes to the primary election system, including an ambitious goal for much higher turnout, a more open primary process, and the creation of a single, national congressional primary date in June.

And the commission notes that the rise of campaign spending by outside, independent groups is growing dramatically and that too much of it undisclosed. It is imperative that we strengthen the disclosure requirements for all political giving.

Congressional Reform

Our second set of recommendations focuses on the institution that is at the epicenter of today's polarized politics: the U.S. Congress. For many Americans, Congress is simply not performing the job it is required to do—passing budgets, responsibly managing our nation's finances, making the decisions necessary to ensure that government functions at a basic level of efficiency. Regular gridlock has damaged Congress's reputation with the American people, and congressional job approval has dropped to near record lows. That is why the commission supports a biennial budget process that includes two-year budget resolutions and appropriations bills, with expedited consideration given to enacting into law two-year discretionary spending ceilings for enforcement purposes. A two-year cycle would give Congress more space to consider and thoughtfully address the more complex and polarizing issues it is now forced to confront annually.

The commission offers a number of recommendations designed to promote greater communication, information-sharing, and civility within Congress, essential elements of any well-functioning organization, either private or public.

The commission also believes Congress must commit itself to a far higher level of performance. We propose that both the House of Representatives and the Senate establish concurrent schedules that require their members to work three weeks out of each month in Washington with five days of legislative business conducted each week and to work one week per month in their states and districts. This is the minimally necessary schedule for members of Congress to fully understand and act upon the complex problems facing our country while they are in Washington.

Today, there is too much centralization of power in Congress among its leadership. For many members, this has created a deep sense of disenfranchisement. The commission offers a number of recommendations designed to strengthen the role of congressional committees and subcommittees. We believe a stronger committee and subcommittee structure in Congress will have the salutary effect of tapping into larger networks of expertise and experiences, promoting greater engagement by members and building bonds of trust.

A strong committee process is the foundation of a system of regular order that promotes deep and bipartisan consideration of legislation. That system of regular order includes procedures for fair and robust floor debate in the House of Representatives and the Senate, one that balances the interests of the majority and the minority—including the way in which the Senate filibuster operates—and uses the formal process of a conference committee to resolve the differences between the House of Representatives and the Senate.

A Call to Service

Successful democracies require an educated citizenry that actively participates in civic life. Unfortunately, over the past five decades, we have witnessed a steady and perilous decline in the habits that define us as citizens: fewer Americans volunteer, charitable giving is lower, and many young adults increasingly question the value of seeking

elective office. So our third set of recommendations is geared to reversing these trends and reinforcing the notion that, as Americans, we are all part of a common enterprise that requires a lifetime of civic engagement.

The first step in this process is to ensure that children have a sufficient knowledge of U.S. history and basic civics principles. Consistent with the requirements of many state constitutions, U.S. schools at all levels—from kindergarten through college—must make civics education a central priority.

The commission also endorses a dedicated year of national service for Americans aged 18 to 28. This service can take many forms—military service, civilian service in the Peace Corps or AmeriCorps program, or volunteer service through local and national nonprofits and religious entities. To achieve this goal, the commission offers a number of recommendations on building a strong “service infrastructure” with sufficient public and private resources to meet the greater demand.

And, finally, the commission recognizes that participating in government at all levels is also a valuable form of service to the country and offers several suggestions on how to make this type of service a more attractive option.

A Truly Bipartisan Consensus

There are many significant ideas and intense debates not reflected in the commission’s consensus recommendations. The commissioners span the ideological spectrum, and many areas elicited strong back-and-forth discussions. Yet even after passionate dialogue and disagreement, the commission was able to crystallize around a strong package of practical reforms with bipartisan support that can move the needle on reducing the impact of hyper-polarization on the political process.

For example, commissioners had strongly held beliefs about the role of money in politics. Some commissioners believed that there needs to be less money in politics altogether; other commissioners believed that fewer restrictions on fundraising and/or no caps on the amount candidates and parties can raise would restore to balance the campaign finance system in this country. All commissioners came together around the need for a higher level of disclosure about political contributions and spending, and in the area of leadership PACs.

We present a series of ideas that can generate true bipartisan support while remaining mindful of the political divisions that define our country and the political imperatives that influence the decisions of elected leaders.

Similarly, commissioners favored different options for reforms to the redistricting process in the states after each decennial census. Some favored completely nonpartisan and citizen redistricting commissions that move the process away from stakeholders in the state legislatures; others were less concerned about the need for and potential impact of changing the process now. Both sides coalesced around an endorsement of independent, bipartisan redistricting commissions that retain the support of the legislature and the public and the need for a more transparent and open

process. Our redistricting reforms, if implemented, would result in a fairer, more acceptable process than the one today that frustrates everyone.

Finally, on the filibuster and minority rights, it was difficult not to degenerate into political talking points on both sides. Democrats blame the Republicans for the rapid rise in the use of filibusters, and Republicans counter that Democrats are preventing them from offering amendments to important legislation. The commission affirms the need for a supermajority requirement to bring debate to a close. However, we also seek to balance the concerns of the majority and minority in the Senate by calling for an end to the filibuster on the motion to proceed and requiring a minimum of ten amendments and encouragement for even more on measures under debate.

These proposals are not a magic elixir that will restore America's body politic to health overnight. We do not call for a constitutional convention, the establishment of a viable, national third party, or for a billion-dollar campaign to "educate the public." Our recommendations are practical and achievable and, if implemented, will be a first step toward lowering the temperature on an overheated, polarized political process. We present a series of ideas that can generate true bipartisan support while remaining mindful of the political divisions that define our country and the political imperatives that influence the decisions of elected leaders. Taken together, these recommendations have the potential to transform the nation's politics and civic life. The result will be a stronger, more united country that is better equipped to meet the challenges of our times.

Governance Program
Commission on Political Reform



Electoral System Reform: Creating a Fairer, More Open, and More Transparent Process

We begin by examining the rules of the game, by which men and women are elected to serve their communities in local, state, and federal positions. The commission believes that a series of adjustments, or tweaks, to the current rules can create a fairer process characterized by the higher participation and confidence of the voters. We believe that our recommendations, if enacted, will help restore the trust of the voters and create a political climate more suitable for effective governing.

The polarization of politics threatens to discourage citizens from getting into the political arena. But perhaps as troubling is the deep mistrust that the two political parties have for each other. Both parties tend to believe the other party is manipulating the rules of elections in its favor. Thus, reforms that are agreed to by the participants prior to an election and produce a sense that election rules are fair—and not just one party trying to disadvantage the other—can lower the temperature of today's overheated political environment.

If polarization is a symptom of what is wrong with our system, we need to promote reforms that cure the causes. To that end, political parties must make much greater efforts to engage the public and broaden their bases of support, because political parties that seek out a much broader base of support can improve the system for everyone. If a political party relies primarily on a small faction of supporters, whether that faction is closer to the middle of the political spectrum or closer to the edges, that party ultimately deprives itself and the nation of candidates with the broadest possible public appeal. In order to select candidates with that broad appeal, parties must be willing to increase the pool of participating citizens through a variety of means, including outreach to those who do not consider themselves to be a part of either political party.

Setting the stage for our elections is the decision made once every ten years about how to draw legislative boundary lines.

These lines affect representation at the local, state, and federal level. There needs to be a line-drawing process that is viewed as equitable by candidates, parties, and the public so as not to engender skepticism about the fairness of the system itself.

Another opportunity for broadening the electorate and restoring trust in the electoral system is the primary election. Before the general election the parties select their candidates for office. The nomination process is generally characterized by a primary election that looks very similar to Election Day itself; however, turnout is always much lower. In some states, though, the nomination process for party candidates takes place at very low-turnout events, such as caucuses and conventions. Since these events are even less representative than party primaries, we recommend states and parties move away from them as the mechanism for selecting party candidates.

Political parties must make much greater efforts to engage the public and broaden their bases of support, because political parties that seek out a much broader base of support can improve the system for everyone.

The U.S. election administration system itself is unique in the Western world. Partisan officials oversee elections, sometimes including ones in which they themselves are running for reelection. The voter-registration system is more passive than in other countries and lists of voters are less accurate. Recounts that take too long and that succumb to huge swings in vote totals and shifting rules lessen the public's belief that the eventual outcome is fair.

Finally, the campaigns themselves are reducing trust in the system and are having a distorting effect on the process. Candidates must raise millions of dollars to be competitive for a seat in the U.S. House of Representatives, tens of millions for a Senate seat, and in just a few years' time, potentially a billion dollars or more to be president.

The constant drive to raise money for reelection worries us, especially as we believe that the time spent legislating suffers when too much time is spent seeking campaign funds. And we have strong concerns about the growth in independent expenditures. As a start, we recommend disclosure of the source of funds for independent groups who run political advertisements. For the future, we recommend a larger-scale effort dedicated to improving the current system of campaign finance.

Clearly, there are many different components—the drawing of legislative boundary lines, the primary election process, the administration of elections, and campaign fundraising—that together make up the U.S. electoral system. Each component can be improved with the goal of transforming the electoral system into one that merits the trust and support of the American people.

Redistricting Reform

America is rare among countries in that most of its 50 states draw legislative districts through the regular political process. That is, the legislators draw the districts in which they and their colleagues will compete. This overtly political process sows distrust among the electorate about the fairness of the districts as drawn and adds to the rancor between the political parties when one feels that the other is assigning lines that disadvantage their political opponents.

While the vast majority of states provide only for the partisan legislature making redistricting decisions, several states have created redistricting systems that are bipartisan, nonpartisan, or nonpolitical.¹¹ To maximize the beneficial

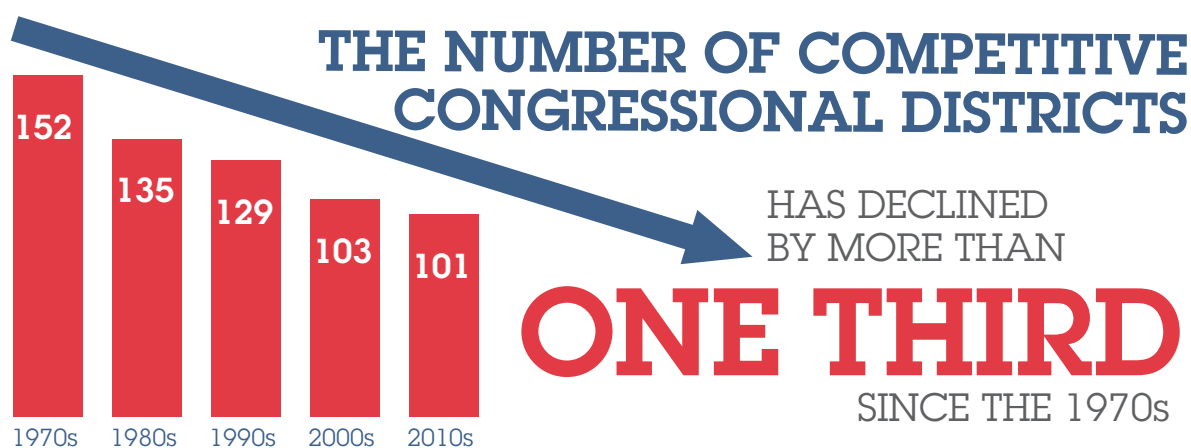
impact of these systems, however, it is critical that the redistricting method enjoy the bipartisan support of the legislature and citizenry.

One troubling feature of our current system is the shrinking number of competitive House seats and many more safely Republican or safely Democratic seats.

There is some dispute about how much congressional redistricting contributes to a polarized America. Clearly, factors other than redistricting play a major role in polarization as institutions that are not subject to redistricting, such as the U.S. Senate, have also seen growing polarization in recent years.¹²

One troubling feature of our current system is the shrinking number of competitive House seats and many more safely Republican or safely Democratic seats. With so many seats firmly ensconced in the hands of one party or the other, the political primaries often play a larger role, and the candidate who is most able to appeal to a small and vocal part of the party's base is in a good position to win the seat.





According to BPC's October 2012 report, *2012 Redistricting: Will the House be More Polarized than Ever?*, the number of competitive seats created after the most recent redistricting process is at a low compared with the past five decades.¹³ The number of districts created that are competitive or very competitive is 101, continuing a decline from the 2000s.

The reasons for this current state of affairs are many. Americans have self-sorted themselves into more ideologically homogenous neighborhoods that make it difficult to draw anything other than safe partisan districts.¹⁴ Changes in political parties have made it harder for House members to be able to win in a district that generally favors the other party.

While the chief reason we favor independent redistricting commissions with the support of both parties is to move away from the unfairness of one party drawing a map to undermine the other party, we also note that as an added bonus, states with independent redistricting commissions have created more competitive districts than the national average.

Overall, a good redistricting process is one that has the support of the legislators and voters of both parties and

benefits from public input and participation. The fairness of the process would go a long way to improving the climate for governing between the parties in Congress and in state legislatures.

Redistricting Commissions

RECOMMENDATION 1.1: States should adopt redistricting commissions that have the bipartisan support of the legislature and the electorate.

It is important to decrease the realpolitik nature of drawing the lines for the House of Representatives and state legislatures and to encourage a broader, more inclusive process that reduces the chance for perceptions that one party was able to disadvantage the other. Redistricting commissions necessarily require more interparty discussion and deliberation and limit the opportunities for outcomes that are viewed as unfair.

In general, states with redistricting commissions have tended to create a higher percentage of competitive seats than non-commission states. Four of the five commission states we studied—Arizona, California, Iowa, New Jersey, and Washington—have produced maps with a



higher percentage of competitive seats than the national average. On a related measure—the number of seats that change party at least once during the decade following redistricting—Iowa and Arizona had a higher percentage of such competitive seats compared with the national average, while Washington had one decade with very significant turnover in its delegation.¹⁵

There are different redistricting models states can use that would move them toward a fairer, more inclusive process than the traditional model of redistricting by state legislatures. For example, bipartisan and nonpartisan redistricting commissions are already used in several states to draw legislative and congressional districts.¹⁶

While some of these commissions are purely advisory, a number of them have become the prime drawers of legislative districts, removing the power from the state legislatures and from the traditional political process. Iowa,

for example, has adopted a process by which nonpartisan career staff draw the legislative district lines. The system provides for a group of legislative staff (similar to the federal Congressional Research Service) that draws district lines with criteria and limitations for the maps set out in statute. The legislature has the ability to reject the nonpartisan map and to ask the staff to draw another. If the legislature rejects the map multiple times, the legislature can eventually draw the maps itself. However, in practice, over the past 40 years, the nonpartisan legislative staff has drawn the maps, not the legislature.¹⁷

Several states, including Washington, Idaho, Hawaii, and New Jersey, use bipartisan commissions that represent both political parties equally so that neither party has sole control of the process of drawing district lines.¹⁸ Both the selection process for members and the voting threshold to approve the new maps varies state by state, but in each state the

process begins with equal representation of each political party in the process.

California and Arizona employ independent, nonpartisan redistricting commissions made up of citizens who are charged with drawing the lines without political consideration.¹⁹ Pools of eligible commission members are developed from volunteer citizens from both main parties and declared independents not registered with either party. In the case of Arizona, a commission of two Democrats, two Republicans, and an independent chair is chosen from the pool of citizens. In California, an extensive and comprehensive selection process culls the pool down from thousands of initial volunteers to a group of 14 commissioners.

We do not recommend one specific type of redistricting commission. States should choose the best available model for their citizens.

But whether a state chooses a bipartisan or a nonpartisan system of redistricting, the system should have the support of the legislators and voters of both parties. Any legislative action or citizen reform initiative that sparks the creation of a commission must have broad bipartisan support. This means that both parties must be willing partners in the reform or else the intended benefits will be mitigated by distrust from the start. For example, should a state choose to employ a citizens' commission, both parties should agree to its structure and selection process so that one party does not view the system as advantaging the other.

Redistricting Processes and Procedures

RECOMMENDATION 1.2: States should use neutral line-drawers in their redistricting process.

RECOMMENDATION 1.3: States should move to a more open process for redistricting.

RECOMMENDATION 1.3a: Private individuals and groups should have access to technological redistricting tools, such as sophisticated mapmaking software, which would allow them to more easily participate in the process.

RECOMMENDATION 1.3b: States should publicly release initial redistricting plans with sufficient time for public comment.

RECOMMENDATION 1.3c: States should implement contests by which private individuals or groups submit redistricting plans to encourage citizen engagement and to ensure that the line-drawers are informed about as many public opinions as possible.

RECOMMENDATION 1.4: States should adopt some forms of neutral geographic factors that limit the ability of mapmakers to draw districts that are strangely shaped.

NEUTRAL LINE-DRAWERS

States should use neutral line-drawers at the beginning of the process to ensure that there is a nonpartisan opinion readily available to both parties and the public. Even if that neutral line-drawer does not make the final decision on a map, the entire process benefits from the expert input. A state where the final authority for drawing the map is a partisan political body such as the state legislature can still benefit from empowering a neutral line-drawer to develop a map based on certain criteria and then to have the political authority modify or reject the map.

A neutral line-drawer could be a government entity—like the one used in Iowa—or even an outside group or consortium that is agreeable to both parties. The neutral line-drawer would use a set of criteria for drawing districts that is laid out in law.

OPEN PROCESS

No matter who draws the legislative district lines, individuals and entities must follow consistent policies and procedures that allow for an open process.

There are three important components to an open redistricting process. First, the redistricting commission should solicit testimony from a wide variety of citizens about the communities in which they live. Second, the process should allow for the publishing of interim maps or options for maps with ample time for the public to react to those maps. Third, sophisticated mapping software and the full set of underlying data that is used by the people who draw the lines should be made available to the public, so that average citizens can evaluate proposed maps and draw their own alternatives.²⁰

One idea to encourage outside interest in the line-drawing process is to provide all of the necessary data and tools as part of a contest to produce the fairest possible map and to have some sort of expert panel adjudicate the submissions. If done concurrently with the formal redistricting process, these contests would help all actors understand the widest range of potential options.



GEOGRAPHIC FACTORS

States should introduce or strengthen the use of geographic criteria for drawing district lines. In particular, they should encourage respect for political subdivisions, nest state house districts within state senate districts, and adopt rules that promote contiguous and compact districts. All of these criteria are neutral ways of drawing lines and would inhibit mapmakers' creativity.

Especially in the case where state legislatures still retain the power to draw lines, neutral geographic criteria can restrain the most partisan aims. In some of the most egregious examples of redistricting across the country, districts are held together by drawing district lines along interstate highways or rivers where no citizens live.²¹ While geographic boundaries do not always perfectly respect all communities with similar interests, county and town lines do represent genuine political entities that might benefit from remaining in the same legislative district.

There are two limitations to using geography as a guiding criterion. First, in states where there are voting-rights concerns and the desire to create majority/minority districts, these neutral geographic considerations will have to allow for the creation of districts to be consistent with current judicial interpretations of the Voting Rights Act. Second, implementing specific geographic limitations will require bipartisan support and should take into account that, in general, Democratic voters are more concentrated in urban areas and Republicans in rural areas.

We believe that clear guidelines set by the state for how to value the criteria when drawing legislative district lines will lead to a fairer process. We do not endorse any specific prioritization of the criteria. Different states will need to rank these criteria as they see fit. We do, however, recommend that states establish and prioritize criteria by statute so there is greater visibility into and understanding of the process,

conditions that hopefully will lead to maps that are more readily accepted by the political parties and the public.

Primary Reform

There are two competing visions of the purpose of a party primary. According to the first vision, a primary is an opportunity for the political parties, which are private institutions, to select their candidates for the general election. The second vision views primaries as an additional chance for average citizens to weigh in on the process that ultimately elects a public official.

Voter participation during primary elections is consistently lower than the participation during general elections.²² Increasing participation in party primaries is good for the parties as well as the country, and setting higher turnout goals for primaries should be a national priority.

Our case for improving the primary process goes beyond merely opening up primaries to independents. Parties must be more inclusive and willing to seek and engage a broader slice of the electorate. Reaching out to the maximum number of eligible voters, instead of redoubling efforts to draw out the most ideologically pure individuals, will ultimately yield a more engaged electorate.

We have seen in our polling that there is significant polarization in the electorate. Many voters, even declared independents, have regular voting patterns and possess a strong likelihood of voting for one party over the other. But even within the two large blocs of voters who identify as either Republicans or Democrats, there are different factions. These voters are not monolithically with their party on all policy issues, even if they are generally loyal supporters of their party's nominees.

Primaries are low-turnout affairs that are controlled by small key groups, whether those groups are party insiders, strongly ideological groups, or single-issue blocs. Opening

up party primaries to independents may be one step in increasing primary turnout, but it is easy to imagine that even with independents voting, there would still be a relatively low-turnout environment with only the most motivated voters showing up at the polls and with small groups within the parties still playing outsized roles.

That is why we believe that encouraging a broader view of participation benefits the parties and the public. Making primary elections more visible to the general public will necessitate a new breed of candidates willing to seek broad support within his or her party (not just the support of a key group) and the electorate as whole during the general election.

Broadening Participation

RECOMMENDATION 1.5: States and political parties should strive to dramatically increase the number of voters who cast ballots in political primaries. Today, stand-alone congressional primaries average approximately 20 percent turnout of eligible voters. We call on states and the political parties to engage voters to increase that percentage to 30 percent of eligible voters by 2020 and 35 percent of eligible voters by 2026.

RECOMMENDATION 1.6: States should adopt open or semi-open primaries to allow independents and/or members of the opposite party to cast ballots in a political primary.

RECOMMENDATION 1.7: States should move away from very low-turnout methods of candidate selection, such as caucuses and conventions.

RECOMMENDATION 1.8: States should create a single, national congressional primary date in June.

In 2012, a presidential election year, average voter turnout during the presidential primaries slumped to the lowest level since 1972, when the number of presidential primaries first proliferated.²³ Based on the 41 states that held statewide primaries in both parties, turnout was just 17.3 percent of eligible citizens. If the five states that held only Republican primaries are added to this total, turnout drops to 15.9 percent of eligible citizens. Even during the 2008 election cycle, when both parties had vigorous primary battles underway, only slightly more than 30 percent of the eligible electorate participated in the primaries (a 7 percentage point increase over the election cycle with the next-highest primary turnout).

In the 46 states that held statewide primaries in 2012, only 32,909,443 citizens voted out of an eligible citizen electorate of 207,581,000. Turnout reached record lows for presidential election years in 15 of 41 states that held statewide primaries in both parties. Democratic turnout dropped to record lows in 26 of 41 primaries. In the 46 states where Republican primaries were held, there were eight record lows and three record highs.



Voter Turnout in the Presidential Primaries of 2012.

In 2012, the highest overall turnout in states with primaries in both parties was recorded in Wisconsin and Montana (30.9 percent of eligible voters), followed by North Dakota and New Hampshire (30.6), and Washington (29.2). The lowest overall turnout occurred in Maine (5.6 percent of eligible voters), followed by New Jersey (8.2), Minnesota (8.8), Nevada (9.8), and Connecticut (10.0).

The greatest increase in overall turnout as compared with the statewide primaries of 2008 was in North Dakota (13.1 percentage points), followed by Nebraska (2.4) and Wyoming (0.2). The greatest decrease was in Massachusetts (minus 27.4 percentage points), followed by New Hampshire (23.3), New Jersey (21.1), Ohio (20.1), Vermont (20.0), and Rhode Island (19.3).²⁴

The presidential election year primary turnout is too low. It is difficult to compare the primary turnout rates between states during presidential election years due to timing and the fact that a handful of states combine their presidential and congressional primaries.

Our recommendation focuses on congressional primaries. In these elections, we see even more disappointing voter turnout. In 2010, a consequential midterm election, the percentage of eligible voters who voted in a primary was only 18.7 percent. The average for the past 20 years of midterm, congressional primaries is less than 20 percent. And that number has declined from the 1960s, 1970s, and 1980s.

While primaries play a critical role in selecting candidates, these numbers highlight that only a small portion of the eventual general electorate actually participates in the primary process. In the commission's view, the whole

A COMMON CONGRESSIONAL PRIMARY ELECTION DAY

AMERICANS KNOW WHEN ELECTION DAY IS
BUT NOT WHEN THE 2014
CONGRESSIONAL PRIMARIES ARE



2014 CONGRESSIONAL PRIMARIES



system would benefit from higher participation at every step in the process, including the primaries. Higher participation in primaries would mean that the primary electorate would more likely match that of the population at large. The views of candidates nominated through a higher-turnout primary process would also more likely reflect the views of the general population, enhancing the electability of these candidates. That is why it would benefit the political parties to focus on broadening their outreach to voters during the primary process.

We recommend setting firm goals for increasing voter participation in primaries. The participation rates now are unacceptably low. Each state should pursue a goal of at least 30 percent of eligible voters participating in congressional primaries by 2020. By 2026, the participation goal should be 35 percent of eligible voters. In 2010, only four states exceeded even a 25 percent turnout of the age-eligible population (Washington, Alaska, Kentucky, and Oregon).²⁵

One way to increase participation is for states to move away from very low-turnout methods of candidate selection. Political conventions typically solicit the opinions of a few thousand party faithful. Caucuses have somewhat higher participation than conventions, but generally attract significantly fewer voters than primaries. In practice, caucuses and conventions more often serve to constrain the eligible electorate, drive down turnout, and diminish participation to only those in control of the party. Caucuses and conventions are also more likely to produce candidates and eventual leaders whose views do not align with those of the majority of their party or the electorate.

Finally, states should join together to create a single congressional primary date in June of each even-numbered year, similar to the presidential “Super Tuesday” primary. Similarly, states that hold runoff elections in their primaries should coordinate the runoff for a common day.



As the process works now, many casual voters are unaware of the timing of primary elections and thus do not participate. A common or national primary day (applicable to non-presidential elections) will increase media attention and awareness potentially leading to more participation.

While American voters are now conditioned to vote on a common Election Day across all of the states, primary elections are held at different times of the year, ranging from as early as January or February and continuing through the summer, all part of an election cycle that ends on the first Tuesday after the first Monday in November. As the process works now, many casual voters are unaware of the timing of primary elections and thus do not participate. A common or national primary day (applicable to non-presidential elections) will increase media attention and awareness potentially leading to more participation.

THE CONCERN OVER VOTER REGISTRATION

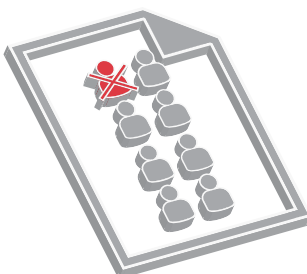
51
MILLION
ELIGIBLE CITIZENS
NOT REGISTERED



1 in **4**

American citizens
are **not registered**
to vote.

24
MILLION
INACCURATE
REGISTRATIONS



1 in **8**

current registrations are
significantly inaccurate
or **no longer valid**.

Figures courtesy of the Pew Center on the States

Election Administration

Elections are the definition of political action. Campaigns are designed to maximize engagement and turnout of their own voters and to dissuade voters of the opposing parties. However, an underlying and fundamental expectation of fairness is essential to build a trusted electoral system. At the end of the day, we strive for a system of election administration that all individuals view as free and fair regardless of which candidate wins on Election Day.

The perpetual fighting over the rules can exacerbate polarization, hardening the tribalism of each party. The

political parties often express two different goals for reforming elections: Democrats more often emphasize greater ease and access to the polls, and Republicans typically focus on the need for greater integrity in the process.

The commission makes three sets of recommendations to balance the concerns of both parties and to improve aspects of the election administration system so that neither party believes the other is using the election rules and processes against it.

First, we recommend reforms that ensure access to voting while securing the integrity of the electoral process. We seek to address the concern that not enough eligible voters appear on registration lists, while also seeking to improve the accuracy and integrity of these lists in response to complaints that they are marred by duplicate names, deceased voters, outdated addresses, and other irregularities. We also want to ensure that the voting process itself is accessible to voters who are unable to show up at the polls on Election Day.

Second, we recommend a heightened place for professionalism and nonpartisanship in election administration. In most parts of the country, state and local election officials are popularly elected and have clear party affiliations. While we do not expect the system of partisan elected officials running elections to disappear, we do recommend that these officials employ professional, nonpartisan staff with adequate protections against undue political influence in the conduct of local, state, and federal elections.

Finally, we recommend measures that make the resolution of disputed elections fair and expeditious. The circumstance that produces the greatest tension for partisans of each party is a recount or an election contest where a few votes might make the difference between winning and losing. While these close elections will always be high stakes, sensible measures to lay out a fair and timely process of counting and contesting votes in advance of a recount can greatly reduce this tension.

Access and Integrity in Voter Registration

RECOMMENDATION 1.9: States should dramatically improve access to their voter-registration lists by strengthening opportunities to register to vote and by identifying eligible unregistered voters and contacting them with the opportunity to register. To ensure greater integrity, states should encourage direct opportunities for voters to input their own registration information and update their addresses. States should also conduct crosschecks with other states' lists and with other databases to eliminate ineligible registrations or to correct mistakes on registration rolls.

Both parties dislike the current registration system. Democrats fear too many people who are eligible to vote are left off the voter-registration lists, and Republicans fear that bloated state lists with duplicates and deceased voters can lead to fraud.

The Pew Charitable Trusts found that approximately 51 million citizens (one in four) were eligible to register to vote but were not registered, while more than 24 million names (one in eight) on the existing lists were “significantly inaccurate or no longer valid,” including duplicate entries, deceased citizens, citizens who had moved out of state, and those with incorrect address information.²⁶

States must do more to reach out to potentially eligible citizens in order to more proactively offer opportunities for voter registration. These citizens can be identified by more effective use of database-matching that yields high rates of confidence about the eligibility of an individual to vote. In fact, there is a federal database of all male citizens who are turning age 18—the Selective Service System.²⁷ With the end of the direct ground combat exclusion rule for female service members, it is possible to foresee a federal database that will include all citizens of the same age who are voter eligible. States should plan to use this federal information and all other available data sources to reach out to eligible voters to encourage them to register to vote.

On a simultaneous track, states should do more to check to ensure that only eligible voters appear on the rolls. Assuming a robust state effort to reach eligible voters, there will be less of a need for third-party registration drives that can sometimes result in registration fraud or lost registrations that lead some to believe erroneously that they are registered to vote.

In this vein, nine states (Colorado, Connecticut, Delaware, Maryland, Nevada, Oregon, Utah, Virginia, and Washington) as well as the District of Columbia have recently joined together to share their voter lists and motor vehicle registration lists and to use better database technology.²⁸ The collaboration will lead to identifying citizens who are eligible to vote but not registered as well as an effort to reach out to these citizens to register them. In addition, these states will be able to identify duplicate records, voters who have moved out of state, deceased voters, and other irregularities and to use this data to help clean up their rolls. We endorse the sharing of voter-registration databases and other government lists among states in order to create a much more comprehensive, accurate voter-registration database in each state.

The National Voter Registration Act (NVRA) of 1993, more commonly known as “Motor Voter,” made it easier for Americans to register to vote.²⁹ Prior to the NVRA, states solely prescribed the content of their forms and faced minimal requirements about where such forms needed to be made available. Not too long ago, Americans had to re-register to vote before every election and only at the local voter-registration office during normal business hours during a short period before the election.

The NVRA includes specific requirements for the content of voter-registration forms and denotes where these forms must be made available, such as at the Department of Motor Vehicles (DMV) and at social-service agencies. Moreover, the NVRA makes it much more difficult for states to remove voters from the rolls, which explains why states sometimes have voter-registration lists that exceed estimates of eligible voters. While registration is easier than it was, the NVRA still leaves many holes in the registration process.

The NVRA process was envisioned before the Internet and is still largely based on technology from the previous century. Although an individual might complete the



paperwork for his license at the DMV electronically, in many cases he is still directed to fill out a voter-registration form on paper. That form must then physically travel to an elections office to be inputted into a computerized database. Other states have done a better job at integrating the processes at their DMVs and electronically transferring data, but the rates are still not as high as advocates had hoped, and compliance from social service agencies is, at times, abysmal.³⁰

We endorse the sharing of voter-registration databases and other government lists among states in order to create a much more comprehensive, accurate voter-registration database in each state.

States must deal with a deluge of paper voter-registration forms that accompanies each approaching election. These forms can come from government agencies, third-party groups, or voters who printed a paper form from a website. Paper forms have a lot of vulnerabilities. The form needs to be handed to a voter, completed correctly, returned to the appropriate official, and accurately entered into the state database. The voter file then needs maintenance over time. Moreover, third-party groups handle massive numbers of paper registration forms near Election Day; allowing voters themselves easier access to non-paper formats for registration will lead to a more secure voter registry. If a voter moves, often even within a state, the process begins anew. For all of these reasons, states should give voters the option to register, alter, and confirm their registration status online.

Online voter-registration tools provide for easier access to voters, who would no longer have to go to the DMV

or voter-registration office to fill out a paper form. Online registration is also more accurate because there are checks against inadvertently providing incorrect information that could result in a voter not being successfully registered. States also have the capacity to check the source of online submissions, an important means of reducing opportunities for voter-registration fraud. Online tools would go a long way in fulfilling the intent of the National Voter Registration Act more than 20 years after its passage.

Early Voting

RECOMMENDATION 1.10: States should enact a seven- to ten-day period of early voting prior to Election Day that includes at least one day of voting on each day of the week.

Early voting, generally defined by the states as voting prior to Election Day in secure locations with technology similar or identical to what voters would use on Election Day, is one of the preeminent convenience options available to voters in many states. It allows voters much more flexibility than simply offering one day of in-person voting at a polling place. Early voting differs from absentee voting because voters do not need to request a ballot ahead of time and cast it by mail, usually at their own expense.

For early voting, we endorse voting in polling-place-like locations because it affords voters important protections like privacy and the ability to correct a ballot if there is a mistake, such as an over-vote or under-vote.

By spreading out a jurisdiction's voting over a longer period, early voting has the potential to reduce the frequency of long lines on Election Day itself. The comparatively calmer period of early voting also allows poll workers to gain experience fulfilling their responsibilities before the crush of Election Day voting.

States should make every effort to allow voters to cast ballots by convenient and secure methods. Early voting has many benefits and few drawbacks.

Professionalization and Depoliticization of Election Administration

RECOMMENDATION 1.11: States should emphasize the independence and professionalism of election administrators and encourage career election officials who work for election officials with party identification to participate in continuing-education opportunities in order to stay current on innovations in the field.

RECOMMENDATION 1.12: States should improve data-collection efforts in order to provide quantifiable evidence to support policy changes. States should make these data widely accessible.

Elected, partisan officials oversee and administer much of our electoral system. While there are advantages to elected officials playing this role—these officials can be held accountable through periodic elections—there is also the danger that the public sees election administration as partisan or unfair. For this reason, we recommend that elected secretaries of state and local election officials employ nonpartisan staff and that states put in place institutional separation of decision-making by those career officials.

Election administrators often come to their positions with little formal understanding of how the process works. We believe that much more can be done to upgrade the professionalization of election administration with additional training opportunities, university programs and degrees, and greater sharing of best practices, all of which will lead to a more professional election that Americans can have confidence in. There are a number of national election

official organizations that provide continuing-education programs, and we recommend that all states prioritize their local administrators' participation in these events where they can learn about the innovative practices in the field, especially outside of their home states.³¹

We all know what it looks like when [elections] do not work as intended—seven-hour lines to vote and ballots not counted because of poll worker error.

We also recommend improved recruitment and training of poll workers who are the frontline administrators of elections. Though these dedicated volunteers only serve for a short period around elections, a voter is much more likely to interact with a poll worker than an election official overseeing the entire election. It is this interaction and any breakdown at the polling place that they will remember more than any other aspect of the election. By expanding the pool of poll worker candidates and providing extra poll worker training, we can greatly professionalize election administration as well as give valuable volunteer opportunities to civic-minded citizens.

Finally, public policy debates made without data and based on anecdote and personal biases do not produce optimal outcomes. Elections are complex activities. We all know what it looks like when they do not work as intended—seven-hour lines to vote and ballots not counted because of poll worker error.³² These stories undermine our collective faith and trust in the system. But in order to correctly diagnose the problem and allocate resources to avoid repeat problems, we need better data about what happened. We encourage states to refocus efforts to improve data collection on all aspects of election administration so it is possible to analyze and evaluate the reforms that work best and help achieve the most efficient system.

Election Reporting

RECOMMENDATION 1.13: States should review and revise their procedures for all recounts to ensure that current laws reflect the latest advancements in election technology and also allow for recounts to be completed within a timeframe that enables a victorious candidate to take office on time.

RECOMMENDATION 1.14: States should reduce the number of absentee ballots that cannot be counted on Election Day by encouraging voters to return ballots earlier in the process while recognizing that voters must be afforded the full opportunity to cast their ballots, especially from overseas.

RECOMMENDATION 1.15: States should improve the overall voting process so that fewer provisional ballots are needed on Election Day.

Many states have not updated their recount statutes and regulations to reflect current technologies. That has resulted in some states depending on numerous disjointed recount provisions meant to regulate specific aspects of recounts without considering the process as a whole. Moreover, many recount laws are premised on old technologies that are no longer used in voting. These laws do not take into account the increasing use of optical-scan and electronic voting.

In addition to updating recount laws, states should review and revise procedures to ensure that recounts are completed within a timeframe that allows a victorious candidate to take office on time. Today, the canvassing and certification process and accompanying recounts, if necessary, take too long. No one has an appetite for another *Bush v. Gore* presidential recount spectacle or a nearly eight-month recount to determine the senator from Minnesota in the case of the contested election between Al Franken and Norm Coleman.

The Franken-Coleman Election.

The 2008 campaign between Democratic challenger Al Franken and Republican incumbent Norm Coleman, both seeking to represent the state of Minnesota in the U.S. Senate, represents one of the closest and most protracted elections in the Senate's history. The initial vote count, completed on November 18, showed Franken trailing Coleman by 215 votes out of nearly 2.9 million that were cast. This extremely narrow margin triggered a mandatory recount. After reviewing challenged ballots and counting 953 ballots that had been previously rejected, the Minnesota State Canvassing Board concluded that Franken did not lose but, in fact, had a 225-vote lead. A series of unsuccessful legal appeals by Coleman then ensued. Franken was ultimately sworn in as the junior senator from Minnesota on July 7, 2009, more than six months into a term that was scheduled to begin on January 3, 2009.³³

By focusing on the procedures well before Election Day, states can assure voters that they provide the maximum likelihood of resolving disputes in a timely, accurate, and fair manner. For presidential elections, this means completing counts within the electoral college timeline so that all challenges are wrapped up before Congress convenes under the Electoral Count Act.³⁴ For congressional recounts, all litigation and final certification should occur before the Congress is officially sworn-in in early January.

In addition to focusing on recount procedures, we recognize that voters expect to know the results of an election quickly. States should provide initial certified counts within two weeks of the election, and a final determination of the winner of the election should occur no later than eight weeks after the election.

At the same time, the election administration system now provides for many voting options that are difficult to count on Election Day, and policies that encourage the use of

these options are likely to further delay final election results and recounts.

The longer it takes for a winner to be declared, the greater the assumption in some parts of the electorate that something unfair and not transparent is happening with the ballots.

The nation risks more drawn-out, litigious recounts if it chooses not to confront and correct some of their underlying causes. We considered options that balance the competing goals of informing the public about the results of an election quickly while preserving time in the process to count all of the eligible votes accurately.

Americans' trust in the electoral system is often predicated on whether or not their preferred candidate carries the day at the polls. The longer it takes for a winner to be declared, the greater the assumption in some parts of the electorate that something unfair and not transparent is happening with the ballots. We acknowledge that 100 percent complete and accurate totals will never be ready on election night, but there are ways to improve election night reporting.

First, states should reduce the number of absentee ballots that are not counted on Election Day by encouraging voters to return ballots earlier in the process while recognizing that voters must be afforded the full opportunity to cast their ballots, especially from overseas. In order to do so, states could make Election Day the deadline for the return of domestic (non-overseas/military) absentee ballots. That is, the ballot must arrive by that day. Many states accept ballots for a period of time after Election Day if the ballot had been postmarked by Election Day. An Election Day deadline would allow absentee ballot counts to be completed much

closer to Election Day and thus not delay the final result of a close election. One downside to this approach is the "equal protection" concern of treating domestic absentee ballots differently from overseas/military ballots. Also, it means absentee voters must cast their ballots earlier than Election Day. However, states must weigh for themselves the desire for quicker counts of votes and the most expansive permissible options for accepting absentee ballots.

Second, states should improve the overall voting process so that fewer provisional ballots are needed on Election Day. One way to reduce provisional ballots is to minimize the additional reasons voters may be provided one at the polls, such as for address changes. Rather than using provisional ballots as a way to do changes-of-address on Election Day, states should either permit a voter to cast a regular ballot after showing proof of a new address or create a separate category of change-of-address ballots, which do not have the potentially suspicious and disputable quality of provisional ballots. Fewer provisional ballots to count would speed up the certification of election results.

Provisional Ballots.

Election officials use provisional ballots to record a vote if a question is raised about a voter's eligibility, most frequently when the voter's name does not appear on the official list of registered voters. To prevent individuals from being turned away at the polls under these circumstances, Congress passed the Help America Vote Act (HAVA) of 2002 affirmatively requiring state election officials to provide provisional ballots to individuals whose names do not appear on the official list of registered voters.³⁵ Once it is confirmed that the individual is entitled to vote, the provisional ballot is counted. According to some observers, state compliance with the HAVA mandate has been uneven.³⁶

Money in Politics

Each and every member of the commission is unhappy with the current system of campaign fundraising. And we know that the lack of confidence in the current system of funding campaigns extends far beyond Washington's political insiders to average citizens who worry about the effects of money on politics. While members of the commission share a dislike of the current system, their critiques vary. However, there are two points widely held by commissioners:

- The rise of campaign spending by outside, independent groups is growing dramatically. This spending, much of it undisclosed, is threatening to displace candidates and political parties from their central role in the political process.
- Members of Congress and others running for office spend too much time fundraising, which crowds out the time for legislating.

In our deliberations, we agreed on two substantial recommendations for campaign finance reform. First, there should be a more robust regime of disclosure of political contributions, especially disclosure of the names of those who contribute to outside and independent campaign

groups. Second, there should be restrictions imposed on congressional leadership PACs. The commission also identified several areas that are ripe for future study by a bipartisan panel of academics, election experts, former officials, and concerned citizens. These areas include the balance between independent campaign expenditures and spending by the parties and candidates, the role of small donations in campaigns, and the amount of time members of Congress spend raising campaign funds.

Disclosure

RECOMMENDATION 1.16: Political contributions, including those made to outside and independent groups, should be disclosed so that citizens have full information about who is paying for the political messages they see.

The current campaign finance system requires timely disclosure of political contributions made to candidates and political parties. Such donations in excess of \$200 are regularly reported to the Federal Election Commission and are posted in a timely manner for public view. The public data include the name of the contributor, the amount of the contribution, the address of the donor, and his or her occupation and/or employer.³⁷

However, in recent years, political activity by independent outside groups has grown dramatically. In many instances, the American public is not privy to information about who contributed the money to run an advertisement or fund a political message. These independent groups spent more than \$500 million in the 2012 election cycle. Of that amount, Open Secrets, a website that reports on campaign finance, estimates that undisclosed spending by outside groups topped \$300 million.³⁸ It is expected that campaign spending by independent groups will rise in 2016 and continue to increase in subsequent election cycles.



Citizens should have full knowledge of all political spending, including who contributes to candidates, parties, and outside and independent organizations.

While the amount of undisclosed spending is troubling in itself, a deeper problem is the unaccountability of the advertising and messages funded by groups who do not need to stand by their advertising. We have significant concerns that the conduct of campaigns, the tenor and veracity of advertising, and ultimately the quality of information that citizens receive is adversely affected by the growing undisclosed independent spending.

Citizens should have full knowledge of all political spending, including who contributes to candidates, parties, and outside and independent organizations. We recognize that there are constitutional, legal, and political hurdles to crafting such a disclosure regime, and so do not at this time recommend one particular method for disclosure. However, it is essential that there be full, robust, and timely disclosure of all political activity so that citizens have full information on which to judge political messages.

RECOMMENDATION 1.17: Congress should pass legislation requiring detailed disclosure of spending by congressional leadership PACs and mandating that leadership PAC funds be used solely for political activities (such as donations to other candidates) and not for personal use.

RECOMMENDATION 1.18: In its rules, Congress should limit the use of leadership PACs to the top three congressional leaders of each party in both the House of Representatives and the Senate.

Members of Congress spend an increasing share of their time raising campaign funds. We are concerned that the amount of time spent raising money is crowding out time for legislating and government oversight. There are many vehicles that members use to raise money; leadership PACs are just one. While curtailing leadership PACs would not reduce to zero the time members spend fundraising, it would represent a good first step in freeing up additional time for legislative matters.

Leadership PACs.

The Federal Election Commission's "Campaign Guide for Nonconnected Committees" defines a leadership PAC "as a political committee that is directly or indirectly established, financed, maintained or controlled by a candidate or an individual holding federal office, but is not an authorized committee of the candidate or officeholder and is not affiliated with an authorized committee of a candidate or officeholder." Leadership PACs are created "to support candidates for various federal and non federal offices."³⁹

Members of Congress should be prohibited from using funds from their leadership PACs for personal use, the same prohibition that currently exists for candidate PACs. Press reports detail how members can retire and use leadership PAC funds for personal activities or for activities only loosely related to campaigns.⁴⁰

In addition, the original notion behind leadership PACs was that they would enable a small number of congressional leaders to raise money to help party candidates get elected. Today, the use of leadership PACs is widespread among members of Congress. We propose that members be limited to having only one committee for their reelection campaign and that they not be allowed to have a second committee from which they might fundraise. The only exception would rest with the top three leaders of each party in the House

of Representatives and Senate, who would be allowed to maintain a leadership PAC in addition to their own reelection campaign committees.

Additional Areas of Study

RECOMMENDATION 1.19: Congress should establish a Bipartisan National Task Force on Campaign Finance whose structure is modeled after that of the 9/11 Commission.

Recent Supreme Court decisions, most notably *Citizens United* and *McCutcheon*, have challenged some of the fundamental premises of federal campaign finance laws.⁴¹ These decisions open the door for a national conversation about the role of money in politics and the appropriate standards the American people wish to establish for the financing of federal campaigns. To assist in this effort, the commission proposes the establishment of a Bipartisan National Task Force on Campaign Finance—composed of academics, election experts, former officials, and most importantly, concerned citizens—to engage in an in-depth study of our campaign finance system and make recommendations for reform.

For the task force to have credibility, it must be completely bipartisan in its composition and in the way it functions. We recommend that the task force be established with a structure like that of the 9/11 Commission:⁴²

- Ten members;
- One member appointed by the president, who serves as chairman of the task force;
- One member appointed by the leader of the Senate (majority or minority leader, as the case may be) of the party that does not control the presidency, in consultation with the leader of the House of Representatives (majority or minority, as the case may be) of the party that does not control the presidency, who serves as vice chairman of the task force;

- Two members appointed by the senior member of the Senate leadership of the Democratic Party;
- Two members appointed by the senior member of the Senate leadership of the Republican Party;
- Two members appointed by the senior member of the House leadership of the Democratic Party; and
- Two members appointed by the senior member of the House leadership of the Republican Party.

Each of the House and Senate leaders should appoint someone to the task force who has not previously held elective office, and no leader should appoint two people from the same state. The task force should be established by March 1, 2015, and should issue a report no later than nine months after its first meeting.

While we believe the task force should take a broad view of the current system, there are a number of issues of particular concern to the commission:

THE PROPER ROLE OF OUTSIDE EXPENDITURE GROUPS

The commission is troubled by the rising level of spending by outside and independent groups. Spending by these groups during each federal election cycle is approaching the level of expenditures made by the parties and the candidate campaign committees. If current trends continue, spending by these outside groups could exceed the combined spending by the parties and candidates. At a minimum, the commission believes that laws should be strengthened to require these outside groups to fully disclose their own sources of funding and the expenditures they make. The commission also believes that the task force should study whether the current system disadvantages political parties and candidates versus the outside groups and how to address any imbalance.



SMALL DONATIONS

Broadening the participation of the American people in the system of funding campaigns should be a key objective of any reform. A campaign finance system with large numbers of citizens making small contributions to their favored candidates and parties would go a long way to reestablishing public confidence.

We note the positive developments in recent elections toward a vastly increased number of small donors and look with interest at promising state and local experiments at increasing the number and power of these donors.⁴³

CONGRESS AND CAMPAIGN FINANCE

The commission decries the inordinate amount of time that members of Congress spend raising money and worry about the effects of such fundraising on the legislative process. In particular, we fear that the need to raise ever-increasing amounts of campaign funds is crowding out the time that

members have to engage in legislating and government oversight, the job they were sent to Washington to perform.

Beyond our recommendation on leadership PACs, we recommend further study to determine how we could significantly reduce the amount of time that members of Congress spend raising money.

In light of these concerns, the commission recommends that the task force closely examine the issue of campaign fundraising by members of Congress and consider appropriate “time and place” restrictions (perhaps by limiting fundraising to those times when Congress is out of session). As part of this examination, the task force should assess how the current limits on individual campaign donations affect the amount of time members spend raising funds.

Conclusion

Adjusting the electoral rules of the game to make them fairer, more open, and more transparent will help restore the public’s trust in the political system. But an equally important task is to examine the rules and norms of the institution that is at the center of national politics—the U.S. Congress. Exploring the institutional changes that are necessary for Congress to operate at a higher level of performance is the subject of the next chapter.



Governance Program
Commission on Political Reform



Congressional Reform: Transforming Congress into a Higher-Performing Institution

Each year, millions of Americans are subject to job-performance reviews at their places of employment. They are expected to work in an efficient manner, meet deadlines, support the objectives and goals of their employer, show initiative and solve problems, and get along with their colleagues. Unfortunately, when the American people look at the U.S. Congress today, they see a workforce that is not meeting these minimal standards. In addition, they see a workplace that is dysfunctional and without the proper systems and practices in place to promote a high level of performance. Many members themselves share the public's frustration with their own inability to get along.

The reputation of Congress has suffered more than any other U.S. institution. According to a recent BPC/USA TODAY poll, Congress's job-approval rating in early March 2014 stood at an abysmal 19 percent.⁴⁴ More troubling than the low approval ratings of the moment is the sense that Congress will have a hard time ever functioning because of the sharp divisions between the two major political parties.

The members of the commission who have served in Congress, as well as those who have spent much of their professional lives interacting with and studying it, strongly believe Congress can become a much higher-performing institution. However, some of the recommendations discussed in this section are not intuitive or run counter to public opinion, such as our belief that members need to spend more time in Washington working together.

Achieving this result will require the goodwill and commitment of members of both parties. It will not be attained through piecemeal measures. In the recommendations that follow, the commission proposes a comprehensive approach to strengthen both the congressional workforce and workplace with the ultimate goal of making the institution a more effective servant of the American people.

Our recommendations cover three general areas:

1. The daily life of members, including the schedule of Congress, the time spent legislating in Washington, and interaction among members of the two parties and the executive and legislative branches;
2. The legislative process, including the role of committees, the rights of the minority, the use of conference committees, and congressional floor procedures with a special focus on the filibuster and the amendment process; and
3. Congress and the purse strings—that is, how Congress handles the federal budget, spending authorizations, and appropriations.

More troubling than the low approval ratings of the moment is the sense that Congress will have a hard time ever functioning because of the sharp divisions between the two major political parties.

The problems in the institution run deep. Members of Congress do not spend enough time legislating, and they spend too little time reaching across the aisle and working with their colleagues in the other party. The breakdown in the regular order of Congress, the normal legislating through committees with ample opportunity for the minority to consider amendments, has ground business to a halt. It should be noted that the House of Representatives has recently initiated a schedule that allows committees to work in the morning uninterrupted by floor votes. We think this development is a positive one.

Still, the majority parties today in the two chambers are too often focused on imposing their legislative will without concern for minority party input. At the same time, the minority parties are principally concerned with blocking all legislation they oppose.

Adding to the dysfunction is the routine circumvention of the formal committee process: committee chairs and members feel disenfranchised by the fact that many important pieces of legislation are crafted on the cusp of a deadline by congressional leaders without the benefit of a committee process. In the Senate, the inability to offer amendments and the threat of filibusters further contribute to the difficulties of governing in such a polarized environment. The majority party sees the minority as blocking nominations and legislation, while the minority party views the majority's posture as hostile to consideration of minority amendments and traditional senatorial prerogatives of extended debate and a full airing of alternatives. The recent change in Senate filibuster rules, enacted through the use of the so-called "nuclear option" to permit a majority vote to end debate on most nominations, has heightened concerns that the fallout may affect the way the Senate considers legislative matters.

Finally, divided party control in Congress and tensions between Congress and the White House have led to high-risk showdowns over matters affecting the nation's fiscal position and global reputation. The October 2013 government shutdown only further diminished Congress's reputation in the eyes of the public.⁴⁵ Congress's challenge is to better manage its interparty differences and channel them in ways that allow it to perform the basic functions of government in a timely, more efficient manner.

The Daily Life of a Member of Congress

Close observers of Congress tell us that the three basic goals of members of Congress are (1) influencing public policy,



(2) gaining power and respect within the institution, and (3) getting reelected.⁴⁶

In recent years, the third goal of reelection has taken on disproportionate importance with members. From the moment members are sworn in, party caucuses and their elected party leaders emphasize the reelection goal. As a result, there is much less of an appreciation of Congress as an institution and the historical norms and precedents that had allowed it to operate effectively, even during periods of heightened political polarization. The imperative of reelection means less thoughtful development of public policy and less openness to new ideas or ideas that may deviate from party orthodoxy.

Fundraising is at the heart of the reelection imperative. Members are urged by their leadership to spend a substantial portion of their time while in Washington raising money not only for their own campaigns but for the parties' campaign organizations as well. Both parties determine how much each member should contribute to their respective party organizations based on members' committee or leadership positions. Membership on certain committees is often seen as desirable because of the potential to raise campaign contributions. At the same time, members of Congress are spending more time back in their home

states and districts with constituents and funders, meaning shorter workweeks in Washington and more state and district work periods. It should be noted, however, that the media and potential opponents often criticize members for not spending maximum time in the district. From a practical standpoint, by traveling home every weekend and fundraising during most free moments while in session in Washington, members are insulated from personal contacts with those of the other party. Members do not eat together, their families do not interact, and consequently they do not get to know each other well. Under these circumstances, it is hard to imagine how members of opposing parties can find the time to make real overtures to each other on issues of shared interest.

From a practical standpoint, by traveling home every weekend and fundraising during most free moments while in session in Washington, members are insulated from personal contacts with those of the other party.

These developments have coincided with a decrease in the powers and influence of congressional committees and the centralization of power in the party leadership. The weakening of the committee system in Congress has had a very deleterious effect: it has deprived Congress of the opportunity to build stronger networks of expertise and experience, limited opportunities for collaboration and team-building, and contributed to a sense of disenfranchisement among many rank-and-file members.

To reduce the dysfunction in Congress, certain changes to the congressional rules and calendar and a general recalibration of what it means to be a member of Congress

are necessary. The sharp ideological differences that define politics today can be softened through more interparty dialogue and discussion, a better adherence to established congressional norms, and a rejection of the idea that reelection itself is the overriding goal of congressional service.

Our recommendations, taken together, will support a culture of positive legislating by channeling natural policy differences among lawmakers into more productive areas for bipartisan cooperation.

RECOMMENDATION 2.1: The House of Representatives and the Senate should schedule synchronized, five-day workweeks in Washington, with three weeks in session followed by one-week state and district work periods.

The public is sometimes struck by Congress's short workweeks in Washington and the absence of members from committee rooms and floor debates when Congress is in session. Together these observations create the perception that members are spending too little time performing their official duties.

Members typically arrive in Washington on Tuesday for votes scheduled to start in the evening that day and leave after votes on Thursday afternoon. This truncated schedule leaves only one full day—Wednesday—for committee hearings, markups, and the other necessary ingredients for fruitful legislating.

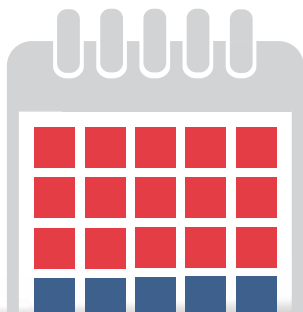
Although the recent trend of holding pro forma sessions that last mere minutes in order to prevent recess appointments by the president may give the appearance of a regular congressional business calendar, the House of Representatives' legislative schedule has only 113 days of legislative business scheduled for 2014.⁴⁷ This low number of legislative business days continues the recent trend of Congress spending fewer official days in Washington.

CONGRESS NEEDS TO SPEND MORE TIME IN WASHINGTON

OVER THE COURSE OF
THREE MONTHS IN 2014
CONGRESS ONLY SPENT

53%

OF BUSINESS DAYS
IN SESSION.



BPC'S PROPOSAL

5-DAY WORKWEEKS

3-WEEKS STRAIGHT

1-WEEK STATE AND DISTRICT WORK PERIODS

Moreover, just because either the House of Representatives or the Senate is in session does not mean that the other body is in session as well. The mismatched schedules of the House and the Senate make the legislative process that much more difficult. It is not uncommon for one chamber to use the schedule as a source of leverage, offering the other

chamber legislation on a take-it-or-leave-it basis before its members physically depart Washington in order to avoid further inter-house deliberations.

Coordinating legislative calendars between the House of Representatives and the Senate would make the operations of Congress more efficient. Establishing concurrent

schedules that require members to work three weeks out of each month in Washington with five days of legislative business conducted each week would provide the time necessary for Congress to discharge its constitutionally mandated responsibility of funding and overseeing the federal government. With the problems facing our country growing in complexity, our proposal would also give members ample time to consider and develop appropriate policy responses.

Establishing a monthly congressional schedule of three five-day workweeks in Washington has other benefits as well. Most importantly, it would offer additional time for interpersonal relationship-building among members of both parties. We understand this suggestion may not be popular outside the Beltway. However, the commission strongly believes that greater social interactions among members of Congress across party lines are among the most effective ways to build bonds of trust and combat hyper-partisanship.

Bipartisan Congressional Coalitions.

In recent years, informal bipartisan groups and coalitions in both the House of Representatives and the Senate have been successful in building relationships that have ultimately led to important bipartisan legislation. One prominent example is that of the female senators from both parties, all of whom are known to meet regularly for off-the-record and informal dinners; the across-the-aisle relationships forged have led to significant bipartisan efforts on the budget, immigration, and military sexual-assault legislation. Bipartisan groups, like that of the female senators, can play a significant role in building consensus and leading on important national legislation.⁴⁸

RECOMMENDATION 2.2: The joint leadership in the House of Representatives and the Senate should each plan periodic, informal gatherings for their members that are centered on a particular theme or speaker to allow for more relationship-building across the aisle.

RECOMMENDATION 2.3: Joint party caucuses should be scheduled in both chambers at least once a month to discuss potential areas for legislative cooperation.

Providing additional opportunities for members to interact, especially with their counterparts across the aisle, will help defuse the increasingly toxic discourse on Capitol Hill. It becomes harder to demonize people with whom you maintain personal and working relationships. The seeds of trust are planted when members of both parties have the opportunity to learn together. The commission recommends that the leadership in Congress sponsor informal bipartisan gatherings that would allow rank-and-file members to hear from nationally recognized experts on subjects of common interest. To strengthen institutional awareness, we suggest that the leadership promote opportunities for members to obtain a greater understanding of the significant role Congress has played in shaping U.S. history.

The mismatched schedules of the House and Senate make the legislative process that much more difficult.

The commission also proposes that joint party caucus meetings be scheduled in both chambers at least once a month. These meetings would be off-the-record discussions of pending issues with an expectation that the leadership would agree to move at least one piece of legislation for which common agreement could be found at each meeting.

While the commission strongly supports transparency in government, allowing members to engage their colleagues in off-the-record settings, insulated from the pressures of the media and outside special interests, is often essential for effective decision-making and finding areas of agreement.

RECOMMENDATION 2.4: The president should hold regular, monthly meetings with congressional leaders and be invited by leadership to attend joint congressional caucuses twice a year.

Of course, Congress alone cannot bridge the partisan divide in Washington. The administration must also be willing to change the way it chooses to interact with Congress.

Today, the communication across Pennsylvania Avenue is woefully insufficient in both scale and intensity, particularly in light of the tremendous domestic and global challenges our country faces. How is it possible to solve our nation's problems if there is virtually no sustained communication between the legislative and executive branches of our federal government? Institutionalizing regular monthly meetings between the president and congressional leaders will help ensure that the lines of communication remain open, particularly during periods of heightened partisanship or inter-branch conflict.

Improving the Legislative Process

Much has been said and written in recent times about the need to reinvigorate the regular order in Congress as a way to get it functioning again. But, with well over half of the members of each chamber elected within the past decade, few even know what the regular order is.⁴⁹

Congress needs to reorient its system of rules, procedures, and precedents to focus on the idea of deliberation. Deliberation can best be defined as “reasoning together about the nature of a problem and its solution.” Put more bluntly, it includes a fulsome debate in which competing parties argue their positions with the aim of reaching an agreement. A functioning legislative process requires more effective committees, robust debate among members, and certain established minority rights.

Congressional Committees

The elements of deliberation are fact-finding and information-gathering to assess the nature of the problem, exploring alternative solutions, and the use of persuasion to reach a mutually agreeable solution. Congressional committees are delegated the responsibility to conduct most of the deliberative work of Congress through hearings, oversight, staff background reports, administration views, committee markups, and final report writing.

However, with members spending less time in Washington and in their committee hearings, the quality of deliberation has suffered and, with it, the ability of Congress to act in a fully informed manner. When the process is too centralized, input from rank-and-file members and their constituents can more easily be ignored.

The increasing intervention of party leaders, not just in scheduling legislation for floor consideration but in drafting actual legislative language on bills of importance to the parties, makes deliberative efforts at the committee level seem all the more useless and unrewarding. This intervention from the top results in shortcuts and rushed judgment calls that tend to be more partisan in spirit than deliberative. While both houses have been in session for roughly the same number of days and hours in each Congress over the last two decades, there has been a decline in committee-reported bills being passed and enacted and an increase in unreported measures becoming law (see Appendix A and B).

Committees are a central component of the legislative process. A legislative body functioning under the type of regular order we believe works best would see a committee chair and ranking member who can discuss broad policy questions with members of their committee in a way that is thoughtful and well informed. The legislative process is inherently messy; it takes time to produce a quality bill. But

legislating centrally from the leadership and bypassing the extended committee process does not produce the type of legislation that tends to garner bipartisan support.

RECOMMENDATION 2.5: Members must devote more quality time and attention to their policy duties on a few committees.

RECOMMENDATION 2.6: Both the House of Representatives and the Senate should continue the practice initiated by the House recently of allowing committees to work every morning without the interruption of floor business and votes.

The increasingly limited amount of time spent in Washington has made it harder for members to engage in committee deliberations, caucusing, and collaboration that are essential to effective legislating and oversight. Members do not become expert on issues if they cannot find the time to learn about them first in committee hearings and briefings.

A hallmark of the committee process is that it affords members the opportunity to become experts on discrete issues of public policy. Making informed decisions on

complex public policy questions requires significant attention on the part of members and their limited staffs. Focusing on a smaller number of committee assignments will lead to a higher level of expertise. That focus allows members to gain the experience necessary to make truly informed decisions on their committees.

We have also heard of too many examples of members seeking out multiple committee assignments for the express purpose of opening up potential streams of campaign fundraising. This is detrimental to committees and to members who truly want to become experts on particular issues.

While committee memberships may be highly sought after, as any regular viewer of C-SPAN can tell you, congressional committee hearings are often poorly attended and frequently interrupted by calls for votes on the floor of the House and the Senate. Only the most sensational hearings, usually those focused on political scandals that attract massive media attention, garner anything near full attendance by members.



We recommend regular periods of uninterrupted time for committees and subcommittees to conduct their hearings and meetings. Functional, engaged committees are crucial to the regular order of Congress and will contribute to increased collaboration among members.

RECOMMENDATION 2.7: Important legislation should not be brought to the floor of either the House of Representatives or the Senate without the benefit of committee deliberations and a full report.

RECOMMENDATION 2.8: Full-fledged conference committees between the chambers on important legislation are essential to ensuring greater member participation in the policy process.

RECOMMENDATION 2.9: Committee chairs must take a greater lead in passing authorization bills after thorough oversight hearings and full committee deliberations.

Congress has become too accustomed over the past decade to run up against action-forcing deadlines. Whether it is a continuing resolution or defense reauthorization, when Congress waits until the last minute to act and then must do so under extreme time pressures, it is only logical for the leadership in both the House of Representatives and the Senate to exert maximum control over the text of the legislation to the exclusion of those committees with jurisdiction.

Congress has become too accustomed over the past decade to run up against action-forcing deadlines.

The U.S. legislative system was specifically designed to move at a deliberate and slow pace, which can be sufficient

if the leadership in both the House and Senate adhere to internal rules and precedents. However, when Congress reaches one of those critical, action-forcing points, House and Senate leaders tend to fashion large and complex packages that can be far worse policy than if the committees of jurisdiction had been given the time and support to develop the legislation through the regular order. For example, continuing resolutions that keep the government operating based on a previous year's budget do not take into account the frequent need for new initiatives to meet new challenges and reductions in funding for activities no longer requiring the same level of appropriation.

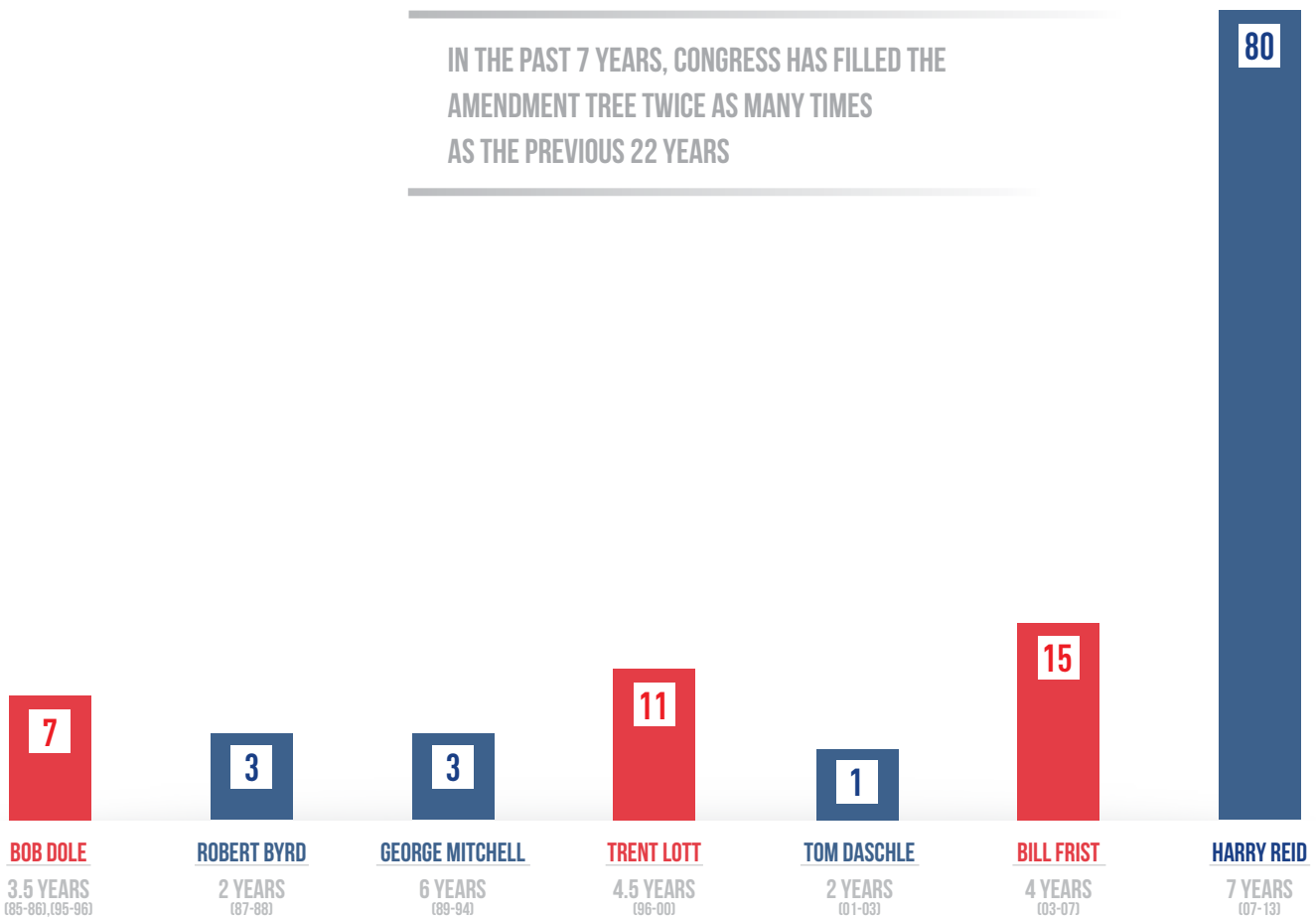
By committing to House and Senate rules that reinforce the idea that committee deliberations and regular conference committees are essential to a deliberative process, Congress can help reverse a trend toward centralization in leadership and focus on how committees can function better in a polarized climate.

Robust Debate

Nothing contributes to partisan rancor and disharmony more than a minority that feels shut out of the process. At the same time, a majority should be able to move largely bipartisan legislation without facing unnecessary delaying tactics. Many committees in Congress operate



IN THE PAST 7 YEARS, CONGRESS HAS FILLED THE AMENDMENT TREE TWICE AS MANY TIMES AS THE PREVIOUS 22 YEARS

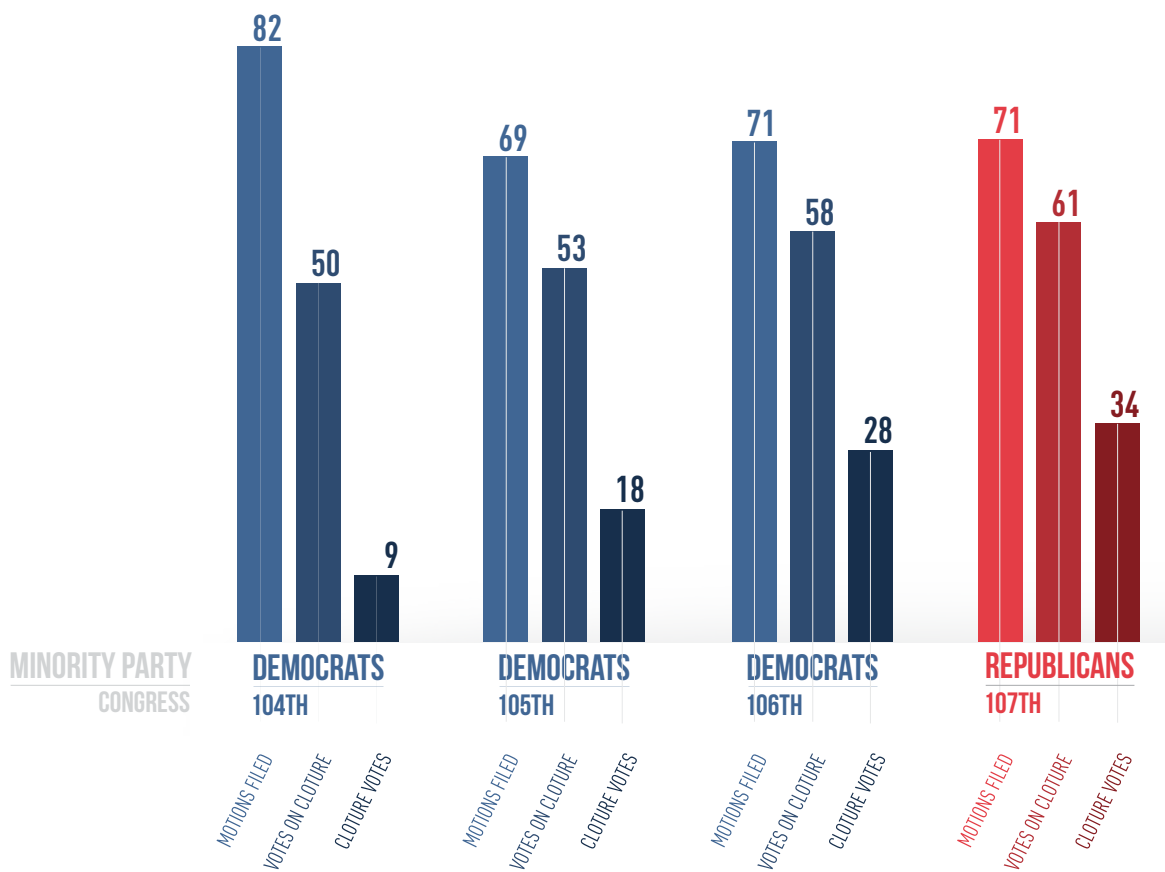


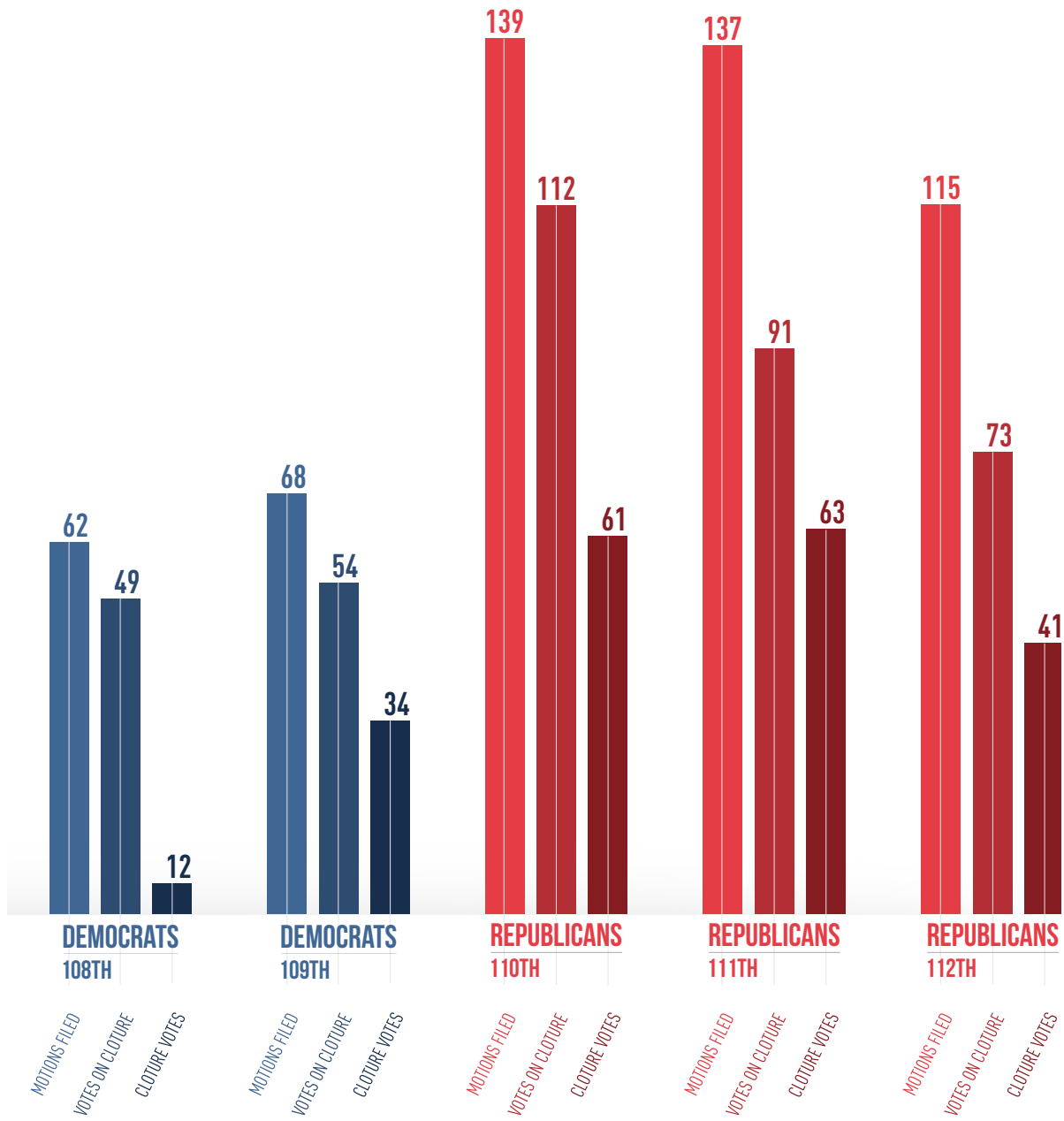
with bipartisan agreement. If all chairmen were willing to guarantee open hearings and amendment processes, even if the majority is still likely to prevail, the minority party will be less likely to feel the deep partisan animosity that currently poisons the legislative well.

RECOMMENDATION 2.10: Bills should be posted a minimum of three days in advance of a vote to allow sufficient time for members and the public to read and discuss the measures.

Slowing down the process ensures that members have the opportunity to develop informed views on legislation. It goes without saying that a bill debated on the floor of Congress without sufficient time for members to read it cannot be improved in a meaningful way. When the public hears stories of bills with hundreds of pages of legislative text being rushed through each chamber without adequate time for examination, it is less likely to trust Congress to pass legislation that will effectively address some of our nation's bigger challenges.

THE GROWING NUMBER OF CLOTURE VOTES







RECOMMENDATION 2.11: Committee chairs should solicit the views of all committee members well in advance of a committee markup and pay special attention to the minority members so that efforts are made to incorporate as many of their suggested changes into the chairman's mark before the bill is marked up by the full committee.

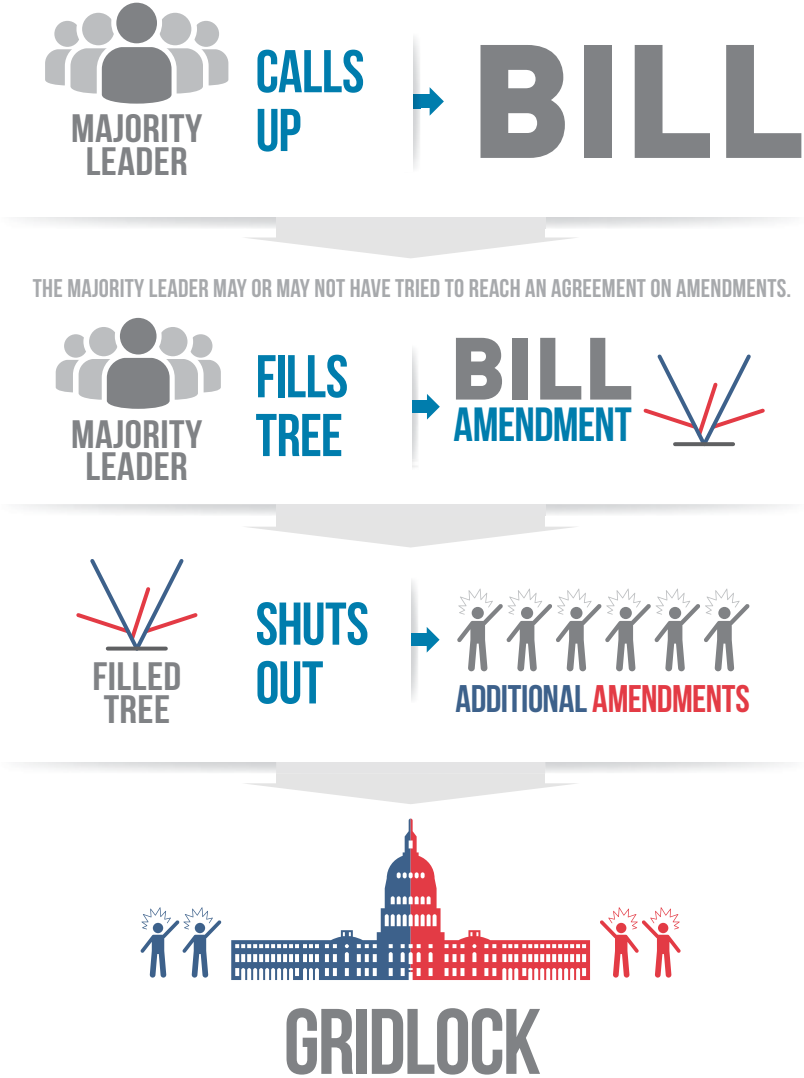
RECOMMENDATION 2.12: The majority leadership in the House of Representatives should allow the Rules Committee to report more modified open rules that: (a) require all amendments to be pre-printed in the Congressional Record before their consideration and (b) set an overall time limit for the offering of amendments on most bills.

Much of what is seen as party polarization and hyper-partisanship plays out on the floor of the House of Representatives and the Senate in disputes over the procedural management of important legislation. Most of the controversy revolves around the extent to which the minority party can participate in the floor amendment process.

Allowing the minority party time to read the legislation as we recommend above, without any opportunity to offer its own opinions and amendments to it, is not indicative of the level of deliberation we all hope Congress can attain. The minority party has a responsibility to offer amendments that are germane to the underlying legislation, but the majority should also not be afraid of casting votes on potentially

FILLING THE AMENDMENT TREE

In the Senate, the senate majority leader has first rights to offer amendments on all proposed legislation. As there are only a certain amount of amendments allowed at one time on any particular bill, the majority leader can fill all available slots. This is known as "filling the tree" and it blocks other senators from offering further amendments. Once the tree is filled, the Senate cannot move on to another amendment without unanimous consent or overcoming a filibuster on the motion to put any new amendment before the body. This can cause conflict or controversy within the Senate leading to resentment and overall dysfunction.



controversial amendments that are related to legislation it wishes to see passed.

In the House, disputes erupt over the terms of special rules from the House Rules Committee. These special rules are simple resolutions, subject to House approval, that set the terms of debate and amendment. Over the last three decades, the special rules have been increasingly restrictive, allowing only those amendments specified in a Rules Committee report, or even closed, prohibiting any floor amendments. So-called “structured rules” that allow only amendments specified by the Rules Committee averaged less than 20 percent of all special rules between 1993 and 2002, but over the last ten years have averaged more than 40 percent (see Appendix C).

Open rules that allow any amendments have been limited in recent years primarily to appropriations bills, resulting in fewer appropriations measures even being considered by the House due to amendment overload and the refusal of the Senate to take up House-passed appropriations bills on the floor. In the 111th Congress (2009–2010), there was only one open rule used to consider legislation while the remaining 110 rules were either structured or closed (see Appendix C).

In the Senate, the filibuster has become a lightning rod of controversy as well as the subject of some recent changes. The minority party’s threatened filibusters are often prompted by its inability to forge an acceptable agreement on a fair amendment process and in reaction to the Senate majority leader’s “filling the amendment tree” to block amendments. Between 1985 and 1995, the number of cloture votes, the procedure by which the Senate places a time limit on the consideration of a bill and thereby overcomes a filibuster, averaged 37 per Congress. Between 1995 and 2013, the average shot up to 67 cloture votes per Congress (see Appendix D). Meanwhile, the number of times that Senate majority leaders have “filled

the amendment tree” totaled just 13 between 1985 and 1995, but since then the practice has been used 107 times, including 80 tree-fillings from 2007 to 2013 (see Appendix E). The growing number of cloture votes and tree-fillings to block amendments demonstrates the heightened partisanship and dysfunction in the Senate.

Filling the Amendment Tree.

Senate majority leaders are using “the right of first recognition” in the Senate to offer amendments and therefore can “fill the amendment tree” with amendments in all possible slots before any other Senator can offer an amendment. They use this power to block minority party amendments that might pose a political threat or embarrassment to majority party Senators. This power can be used to block other amendments altogether, provided cloture is invoked and, after 30 additional hours of debate, all pending amendments by the majority leader are then voted on; or can be used to block non-germane amendments until cloture is invoked (after which only germane amendments may be offered) and then to open the process to permit some selected germane amendments by other Senators.

The Filibuster

The commission believes the filibuster, the act of delaying or blocking consideration of legislation, rules changes, and other measures, is an important feature of the Senate rules that has helped protect the rights of the institution’s minority and individual senators to ensure all views are heard and understood. At the same time, the filibuster should be used sparingly. It is not a license to obstruct the normal operations of the Senate.

The requirement of a 60-vote supermajority in the Senate to end debate on important matters, including nominations, has been the subject of considerable controversy over the years. In 2013, significant changes were made in Senate

rules, first with an agreement between the majority and minority leaders to limit the use of filibusters and more recently with the change initiated by the majority leader to require a simple majority to end debate on executive and judicial branch nominations (except for the Supreme Court).

The decision to lower the cloture threshold for most nominations excited the passions of senators on both sides of the issue. Whatever one's view on the decision's merits, it was clear that Senate comity had broken down, at least temporarily. The majority believed that such a change was necessary to overcome what it perceived as the obstructionist tactics of the minority, while the minority viewed the majority's actions as high-handed and inconsistent with Senate norms and tradition.

The following recommendations are designed to address some of the concerns on both sides of the aisle and to restore greater balance to the system.

RECOMMENDATION 2.13: It shall be the policy of the Senate that changes to its rules be made at the start of a new Congress. Debate over changes to those rules will come to a conclusion and to a vote when two-thirds of the Senate agrees to them.

Under current Senate rules, the debate on most pieces of legislation does not conclude until three-fifths of the Senate agrees to cut off debate and move to a vote ("cloture"). Changing the Senate rules that underlie this three-fifths requirement, however, currently requires a larger bloc of support—two-thirds of the senators present and voting must agree before cloture on the rules change is invoked.⁵⁰

The commission believes that the current policy of requiring two-thirds of the Senate to agree to a vote on changing the rules is an important safeguard in preserving the institutional continuity of the Senate. Rules changes should

not be undertaken lightly. When they do occur, they should enjoy broad support within the institution. To ensure greater consistency in the application of the Senate rules, the commission further encourages that all changes to the rules occur at the start of a new Congress.

RECOMMENDATION 2.14: The Senate majority leader is encouraged to exercise the leader's discretion under the rules to allow, on a selective basis, for a filibuster to proceed uninterrupted until all senators wishing to speak have done so.

Under existing practice, the majority leader, through a unanimous consent agreement with the minority leader, can proceed under a "two-track" system whereby a pending filibuster can be set aside in favor of considering other legislation or nominations that are not threatened with a filibuster.⁵¹ Obviously the Senate would not have the time or tolerance to engage in a full-blown filibuster in every instance one is threatened, but on important legislation, extended debate can be a key to both fully venting arguments for and against the pending matter and allowing for good-faith negotiations behind the scenes that may lead to a compromise agreement.

RECOMMENDATION 2.15: The Senate should require publication of "holds" on nominations after 24 hours have passed from the senator's notification of the hold.

Senate rules currently permit senators to at least temporarily prevent a motion from reaching a vote on the Senate floor through the deployment of a parliamentary procedure called a "hold." A hold is essentially a notice of intent to object to a unanimous consent request on a measure or matter.⁵²

Under the Senate standing order of January 27, 2011 (S. Res. 28, 112th Congress), these notices of intent must be submitted by the objecting senator in writing to

his or her leader and then must be submitted no more than two days later to the Congressional Record and legislative clerk for publication in the appropriate calendar (Calendar of Business for legislation; Executive Calendar for nominations).⁵³ The name of the senator placing the hold can be removed from the appropriate calendar upon written notice to the clerk that the senator is withdrawing the intent to object.

The commission recommends amending the Senate standing order of January 27, 2011, to require that a senator's "notice of intent to object" to any unanimous consent request to dispose of a nomination must be placed in the Congressional Record and the Executive Calendar one day after which it is given to the appropriate Senate leader. In addition, the name of the senator placing the hold should remain on the calendar along with a notation of the date on which the "intent to object" is withdrawn.

This change will raise the cost of placing holds on nominations by making the objections known more quickly and permanently noted in the Executive Calendar. While the commission does not seek to eliminate the practice of placing holds, and allows one day for the resolution of holds as a matter of simple courtesy to a senator, we believe these new requirements strike a more appropriate balance as they relate to nominations.

RECOMMENDATION 2.16: The Senate should establish a process that gives priority consideration to a minimum of ten amendments offered by and alternating between senators of both parties.

One of the major differences between the House of Representatives and the Senate has traditionally been the way legislation is considered and debated on the floor of each house. Unlike the House of Representatives, where floor amendments are sharply circumscribed by special

rules, the Senate amendment process has historically been much more open. However, in recent years, members of the Senate minority have complained they frequently do not have an opportunity to offer any amendments once legislation is brought to the floor because the Senate majority leader fills the amendment tree.

To respond to this concern, the commission proposes that, upon the initial consideration of any legislative measure by the Senate, it should be in order to consider a minimum of ten relevant amendments offered by and alternating between senators of the minority and majority parties, subject to two hours of debate each, equally divided. These amendments would be offered before any vote to invoke cloture or any amendments by the majority leader to fill the amendment tree. They would also not be subject to second-degree amendments.

The guarantee of ten amendments would not be a ceiling to the number of amendments that could be offered, but rather a floor. Under Senate rules, a greater number of amendments might be offered, but under current Senate practice, with the filling of the amendment tree, the ability to offer amendments is often very limited or nonexistent.

The commission believes this process would provide an important outlet for minority participation by ensuring it has the opportunity to offer a minimum of five relevant amendments to legislation considered on the Senate floor.

Recognizing the potential difficulty in coming to agreement on a one-size-fits-all rules change to guarantee a minimum number of amendments on all legislation, the commission encourages efforts by bipartisan groups of senators to avoid a stalemate by leveraging a cloture vote on an agreed upon set of amendments from members of both parties. The so-called "gang of 14" deal on judicial nominations in 2005 to avert detonation of the so-called "nuclear option" is an example of how such informal bipartisan groups can work

with the leadership in defusing otherwise no-win situations to the benefit of both parties.

In other words, there are several paths to promoting more robust debate and a greater opportunity to offer amendments by both parties: changes to Senate rules, agreement by Senate leaders, and the collective actions of informal, bipartisan groups of senators.

The “Gang of 14” Deal.

During the 108th Congress, Senate Democrats—then the minority party in the Senate—employed the filibuster to prevent the confirmation of ten appellate court candidates nominated by Republican President George W. Bush. Frustrated by these filibusters, the Republican majority in the Senate threatened to deploy the nuclear option and eliminate filibusters on the confirmation votes of judicial nominees. Seeking to avert a crisis and a breakdown in Senate comity, a bipartisan group of 14 senators (seven Republicans and seven Democrats) signed a compromise agreement among themselves in which the Democratic signatories pledged to vote for cloture on some of the filibustered nominees and refrain from filibustering future nominees except under “extraordinary circumstances.” For their part, the seven Republican signatories pledged not to vote for the nuclear option, thereby taking the option off the table as a legislative tool since the Republican majority would not have the necessary votes to use it. By its own terms, the compromise agreement was limited to judicial nominations in the 109th Congress.

RECOMMENDATION 2.17: The Senate should limit debate time on motions to proceed to the consideration of legislation.

Under existing rules, a member of the Senate has the right to filibuster not only legislation but also the motion

to proceed to consideration of that legislation. At present, motions to proceed are subject to unlimited debate unless curtailed by invoking cloture. A motion to proceed is usually offered by the majority leader when unanimous consent to bring up a bill cannot be obtained.⁵⁴

The commission recommends eliminating filibusters on motions to proceed by limiting debate to two hours, equally divided between the two parties. This change would not alter the opportunity that exists under current rules for unlimited debate on other aspects of the legislation—for example, amendments to legislation once debate on that legislation has begun.

Congress and the Purse Strings

In recent years, Congress has failed to fulfill its most basic constitutional responsibility of managing the nation’s fiscal affairs. Divided government and strong ideological differences between the parties are responsible for the most recent failures to enact all or most of the 12 regular appropriations bills on time. The last time all appropriations bills were enacted by October 1, the beginning of the federal government’s fiscal year, was 18 years ago—in 1996. Since 2007, not a single one of the regular 12 appropriations bills has been enacted by the start of the fiscal year, forcing reliance on a series of short-term continuing appropriations resolutions and ultimately an omnibus appropriations bill to cover funding for the remainder of a given year (see Appendix H).

The lack of an overall spending number that usually flows from mutually agreeable concurrent resolutions on the budget is at the heart of the problem. In fiscal years 2011, 2012, and 2013, the Senate failed to adopt a budget resolution. In the current fiscal year (FY2014), a resolution was not agreed to until mid-December as part of the Bipartisan Budget Act (see Appendix I).

THE **ONE YEAR CYCLE**
CONTRIBUTES TO CONGRESS PASSING
SHORT-TERM
GOVERNMENT-WIDE FUNDING
MEASURES RATHER THAN
STRATEGIC SPENDING DECISIONS.



Other, more specific problems affect the current appropriations process. These problems include a growing tendency to insert legislative language in the appropriations bills—something prohibited by both House and Senate rules. Some have also argued that the abolition of earmarks, allowing members to direct federal funds to specific state and district projects, has made it more difficult to pass appropriations bills since members have fewer incentives to support the measures.

RECOMMENDATION 2.18: Congress should adopt a biennial budget process that includes two-year budget resolutions and appropriations bills, with expedited consideration given to enacting into law two-year discretionary spending ceilings for enforcement purposes.

Establishing a two-year budget cycle might seem like Congress is backsliding on the hard work of annual budgeting, but the contrary is true. A two-year cycle would give Congress more space to consider and thoughtfully address the more complex and polarizing issues it is now forced to confront annually.

The current annual budgeting process is time-consuming, often repetitive, and at times frustrating. When members of an appropriations subcommittee work for an entire year on a bill only to have that bill shelved in favor of an “omnibus” appropriations package, disillusionment with the process quickly sets in. Precious legislative time is also lost. Congress has a constitutional responsibility to conduct rigorous oversight of government operations. But this responsibility is often ignored because of the time-consuming nature of the annual appropriations process itself. If Congress can limit the constraints of annual budgeting by lengthening the process to two years, it can create new space for oversight as well as for authorizing committees to do their work.

If Congress can limit the constraints of annual budgeting by lengthening the process to two years, it can create new space for oversight as well as for authorizing committees to do their work.



Biennial budgeting would also bring more stability to executive agency budgets. As it stands now, agencies cannot engage in long-term planning because they are limited to what funding has been appropriated. If agency heads know their budget over a longer period of time, they can also be expected to better plan to meet their agencies' missions.

RECOMMENDATION 2.19: To further enhance the role and importance of authorizing committees, leadership in both houses and their committee chairmen should more strictly enforce existing House and Senate rules prohibiting legislative language of a new and substantive policy nature from being included in appropriations bills and from being offered as floor amendments to appropriations bills.

Appropriations bills increasingly include legislative language and sometimes even complete reauthorizations of laws that fall within the purview of the authorizing committees. We do not believe that policymaking benefits from this practice of “legislating on an appropriations bill.” Admittedly, it sometimes occurs with the acquiescence of the authorizers, who fear they cannot enact their bills separately or have been told by the leadership that time does not allow for their scheduling. But when significant policy measures are inserted at the last minute into must-pass appropriations bills, the process of review and deliberation suffers greatly.

If authorizing committees are to regain their status and importance, the congressional leadership must work to restore policymaking to the authorizing committees and confine the appropriations committees to determining the level of funding for duly authorized programs and agencies. Exceptions can be made for emergency situations and for longstanding boilerplate provisions that have been carried over from year to year in appropriations bills.

This recommendation is consistent with the overall goal of restoring the regular order, strengthening the role of committees in the legislative process, and empowering the rank-and-file members who serve on these committees.

Conclusion

Reducing the debilitating partisanship in Congress and transforming it into a higher-performing institution will not happen overnight. But the commission is confident that its recommendations, if enacted as a package of reforms, will produce tangible benefits for the political system. To take effect, our proposals will require the sustained commitment and support of leaders in Washington. But the ultimate responsibility for bringing about a healthier, more productive politics rests directly with the American people. A citizenry that is far more engaged in the affairs and civic institutions of our country is essential to this task. We now turn to this subject in the next chapter.



Governance Program
Commission on Political Reform



A Call to Service: A More Engaged Citizenry

The United States has always been the land of civic participation. But the current climate of division and polarization threatens to dampen the enthusiasm to engage in public service. There is a danger that public-spirited Americans will look at the divisiveness of the public sphere and decide to opt out from running for elected office or working in civilian government service. Why give something back to the country if the reward is to face personal and political attacks when there are plenty of opportunities to have a satisfying career in the private sector?

Fewer young people are interested in serving as political appointees, and fewer still think of running for elective office.

This hesitancy about engaging in public service can best be seen in the Millennial generation. Among many young Americans, there is great interest in the idea of service: record numbers are applying for nonprofit and community service opportunities like Teach For America. However, these same Americans are very hesitant about engaging in many of the traditional avenues of public service. Fewer young people are interested in serving as political appointees, and fewer still think of running for elective office. With Congress's job-approval numbers at all-time lows and with the sense that the political system is incapable of responding to the country's biggest challenges, many young Americans are understandably channeling their efforts outside of the public arena.

The commission believes deeply that all Americans, and particularly youth, must be engaged in the many aspects of service and encouraged to participate across the entire spectrum of service. Service should be an expectation, and while service in the nonprofit world can be one of those avenues, the commission is determined to ensure that

the full range of service opportunities is afforded to every American. Working in two-year service jobs, running for public office, serving as a political appointee, and joining the civil service should all be seen as higher callings. Our founding generation cherished the comparison of our first president, George Washington, to the Roman citizen Cincinnatus. Washington, like Cincinnatus, had a robust private life on his farm at Mount Vernon, but several times answered the call of his country for military and political service, returning again to his farm when his time of service had ended.

An Expectation to Serve

Civic participation is a quintessentially American value. In the early 19th century, French political thinker and historian Alexis de Tocqueville noted in *Democracy in America* the nearly universal proliferation of civic associations across the newly born nation.⁵⁵ American citizens were knowledgeable and engaged in public life. While the nation may have experienced a high point for public service and engagement around World War II, over the past half century there has been a decline in civic engagement that could be contributing to today's more polarized society.

Civic participation is a quintessentially American value.

Fewer Americans today view public service—either governmental or private—as the best way to tackle the most serious issues.⁵⁶ Graduating college seniors are more willing to pursue private-sector employment than to consider a period of dedicated service or a career in government. The effect of these trends is increased skepticism that the nation's institutions can function effectively and that our leaders can come together to solve the country's biggest problems.

Yet in the face of all-time low confidence in U.S. institutions, there are half a million young Americans signing up annually to participate in national service programs. In recent years, there were 150,000 requests for applications to the Peace Corps to fill only 4,000 available slots. AmeriCorps received 582,000 applications for about 40,000 full-time slots.⁵⁷ There is clearly high demand among younger Americans to participate in these service experiences—whether they are at the local, state, or national level—but the supply of available opportunities to serve has not kept up. The United States cannot afford to turn away a generation of idealistic and talented young adults seeking to give back to their country.

We must also do more to tap members of the Greatest Generation and the 78 million baby boomers who are retired or nearing retirement.⁵⁸ These Americans are educated and experienced. Many worry about leaving the world in worse condition than when they inherited it and, therefore, have shown a great willingness to step forward in significant ways to serve. They offer skills and insights that can be deployed around the country to improve neighborhoods and communities.

Quite simply, it is time for an era of big citizenship. As a country, we must be able to respond affirmatively to any American who seeks to engage in public, national, or community service. The potential benefits are great. National service can bind people from disparate backgrounds together as Americans. Service to community and country plays a critical role in giving young people from different backgrounds, races, ethnicities, regions of the country, and political parties an opportunity to work together in common purpose. Such service can foster a new generation of civic-minded leaders who can restore confidence that the United States can solve big problems again.

The History of Service

Presidents of both parties have advanced the cause of national and community service and created a wide variety of opportunities to serve. Although citizen service has been in the American DNA since the nation's founding and every president since has talked about the centrality of active citizens to the functioning of democracy, the beginning of the modern national and community service movement occurred during the Great Depression, with the creation of the Civilian Conservation Corps (CCC) under President Franklin D. Roosevelt. Over the course of almost a decade, three million young men would serve in the CCC to conserve public lands and resources, build some of the nation's infrastructure, and put the unemployed into productive service to the nation. During World War II, millions of Americans answered the call to serve the country by not only enlisting in the armed forces, but also by entering into civilian government service and working for federal agencies at home.

Quite simply, it is time for an era of big citizenship.

A generation later, President Kennedy started the Peace Corps to give Americans opportunities to serve in countries around the world, learn about other cultures, and promote a better understanding of the United States and its democratic values abroad. During the first 50 years of the Peace Corps, more than 200,000 Peace Corps volunteers served in 139 countries. Although President Kennedy had hoped that 100,000 Americans would serve in the Peace Corps every year, a goal he believed would lead to a more informed U.S. foreign policy and promote a better global understanding, today only about 8,000 Americans annually serve. The number of applications for Peace Corps far outpaces the supply of available positions.⁵⁹

THE HISTORY OF THE PUBLIC SERVICE EFFORTS

THERE IS A LONG, BIPARTISAN HISTORY OF CAMPAIGNS TO BOOST PUBLIC SERVICE.

ROOSEVELT  **1933**
CIVILIAN CONSERVATION CORPS

JOHNSON  **1965**
VOLUNTEERS IN SERVICE TO AMERICA

REAGAN  **1981**
OFFICE OF PRIVATE SECTOR INITIATIVES

CLINTON  **1994**
AMERICORPS

OBAMA  **2009**
OFFICE OF SOCIAL INNOVATION AND CIVIC PARTICIPATION

1961  **KENNEDY**
PEACE CORPS

1973  **NIXON**
SENIOR CORPS

1990  **G.H.W. BUSH**
OFFICE OF NATIONAL SERVICE

2002  **G.W. BUSH**
USA FREEDOM CORPS



Other presidents have also left their mark on the national and community service movement:⁶⁰

- President Lyndon Johnson created Volunteers in Service to America (VISTA) to combat poverty.
- President Richard Nixon signed legislation creating the Senior Corps programs, which engage Americans over 55 years old to “become mentors, coaches or companions to people in need, or contribute their job skills and expertise to community projects and organizations.”
- President Ronald Reagan established the Office of Private Sector Initiatives at the White House.
- President George H.W. Bush established the Office of National Service at the White House and eventually worked with Congress to create the Commission on National and Community Service, which piloted national service programs and fostered the creation of the Points of Light Foundation outside government. He also signed the National and Community Service Act in 1990.
- President Bill Clinton created a domestic equivalent of the Peace Corps, the AmeriCorps program, which partners with nonprofits like Teach for America, City Year, and Habitat for Humanity to match young Americans with public service opportunities while paying them a stipend for service commitments of one or two years.
- The terrorist attacks of 9/11 spurred a renewed commitment to service to community and country. In his 2002 State of the Union address, President George W. Bush asked every American to give two years over the course of his or her life in service to the nation. He then created the USA Freedom Corps to double the Peace Corps, grow the AmeriCorps and Senior Corps programs significantly, create a new Citizen Corps for disaster-preparedness and response, and create a new Volunteers for Prosperity program to mobilize skilled professionals to respond to urgent global needs, such as fighting HIV/AIDS and malaria in Africa. The number of AmeriCorps positions was increased from 50,000 to 75,000, Peace Corps positions rose to their highest levels in more than

three decades, and participants in Senior Corps programs grew by more than 40,000 volunteers. President Bush also put in place the first annual Volunteering in the United States Survey by the U.S. Census and Bureau of Labor Statistics, which showed that volunteering increased from 59 million Americans who regularly volunteered the year after 9/11 to more than 65 million by the end of 2005.

- President Barack Obama created the White House Office of Social Innovation and Civic Engagement, started a new Social Innovation Fund, and issued a presidential memorandum instructing 17 departments and agencies to expand national service to meet public needs.⁶¹ The new FEMA Corps is mobilizing national service participants to prepare for and respond to disasters, while saving taxpayers millions of dollars. Another new program—the School Turnaround Corps—is mobilizing national service participants to help students in low-performing schools stay on track to graduate high school and go to college.

Why Service?

The commission is charged with investigating the causes and consequences of America's partisan political divide and advocating for specific reforms that will improve the political process. So how does service, specifically volunteer community and national service, improve this process at a time of acute social and political polarization?

First, service exposes participants and volunteers to many people with different values, beliefs, and backgrounds than their own. BPC polling has shown that Americans have self-segregated to the point where it is increasingly unusual to believe different things than your neighbor or coworker.⁶² Living in self-reinforcing echo chambers does not yield the conditions on which to find common ground with someone who disagrees with you. Volunteer service helps counteract this trend by engaging with diverse sets of people in a common enterprise.

Second, service to community and country can be a life-changing experience. Many of the nation's best and brightest students have what they believe to be preordained career paths from high school through college to graduate school and beyond. Other students plan to complete high school or vocational school and settle into a career. If we can create an expectation that both groups of students will step back from their planned career paths for a year and work together toward the betterment of communities and the nation, they will be forever changed. For example, sending volunteers into some of the nation's most troubled schools changes the volunteer, who will likely have a different and more informed view of public education in the United States. Someone volunteering to build homes for victims of natural disasters may be working far from his own community and may experience parts of American culture that are completely foreign to him. But these ties, once made, bind us all together as Americans. Having this sense of collective purpose is critical as we confront our greatest national challenges.

And finally, service is a solution to many of America's most pressing public problems. National service participants are at work today in low-performing schools, helping to keep students on track to graduate from high school and prepare for college, in national parks and public lands to restore and preserve America's treasures for future generations, and in communities helping veterans reintegrate into civilian life and to reconnect to college and employment.

For the commission, public service is an essential component of American citizenship and a necessary ingredient for a better functioning and less polarized political system.

An Expectation of Service

Adult Americans overwhelmingly value service, defined in most cases as unpaid volunteering. In a June 2013 BPC/USA TODAY poll, when asked specifically if they think "the

best way to make major positive changes in our society is through local, state, and federal governments” or “through community involvement,” adults chose community involvement by a two-to-one margin (60 to 28 percent).⁶³ These adults overwhelmingly favor incentives to encourage public and community service and to provide support for people who volunteer. In addition, they support “requiring every American between the ages of 18 and 25 to serve one year in public or community service” by a 57 to 39 percent margin.

The data about young adults’ perception of community service is even more strongly positive. In a spring 2013 Harvard Institute of Politics poll, 70 percent of respondents thought that community service was an honorable thing to do—much higher than the rate for seeking office.⁶⁴

A History of Strong Bipartisan Support for Public Service.

Members of both political parties have long recognized the value of national and community service as a tool to unite the American people. For example, in 2009, President Obama signed into law the Edward M. Kennedy Serve America Act, which was enacted by Congress with the support of 79 members of the U.S. Senate and with broad bipartisan support in the U.S. House of Representatives.⁶⁵ This legislation authorizes 250,000 positions in AmeriCorps, authorizes a new Volunteer Generation Fund, and makes permanent the Volunteers in Prosperity program to mobilize skilled talent to countries around the world, as a complement to the Peace Corps.

The good news is that there is an incredible demand to serve. Combining the number of potential applicants to the two best-known federal service programs, the Peace Corps and AmeriCorps, there are more than 500,000 individuals for whom no federally funded slot exists. Congress has

authorized an additional 250,000 slots and, in recognition of the many benefits of increased service opportunities, should pass appropriations to help fund them.

In order to achieve the highest levels of participation, the nation needs to instill an expectation that everyone will spend some time serving his or her community and country. By making public service a cultural norm, the commission believes we can promote a more positive attitude toward the political system, thereby reducing the level of polarization and increasing participation.

RECOMMENDATION 3.1: All Americans ages 18 to 28 should commit to one full year of service to their communities and the nation. This commitment can be fulfilled by participating in any type of full-time service, including military service; civilian service, in programs such as the Peace Corps or AmeriCorps; or volunteer service, through local and national nonprofits and religious entities that serve communities and the country.

While we urge Congress to scale up federal service programs to provide slots for the many thousands of individuals who are turned away each year, we also encourage the public to create the expectation that all young people commit to a serious term of service. Many thousands of individuals are turned away from the federal volunteer programs each year, but there are also many other ways to serve.

One of our goals is to reverse some long-term trends and raise the level of civic participation and service to the levels we saw when members of the Greatest Generation were called upon to defend their country.

ALL AMERICANS AGES 18 TO 28 SHOULD COMMIT TO ONE FULL YEAR OF SERVICE TO THE COMMUNITY AND THE NATION



THIS COMMITMENT CAN BE FULFILLED BY PARTICIPATING IN ANY TYPE OF FULL-TIME SERVICE, INCLUDING MILITARY SERVICE, RUNNING FOR OFFICE; CIVILIAN SERVICE, IN PROGRAMS SUCH AS THE **PEACE CORPS** OR **AMERICORPS**; OR VOLUNTEER SERVICE THROUGH LOCAL AND NATIONAL NONPROFITS AND RELIGIOUS ENTITIES THAT SERVE OUR COMMUNITIES AND COUNTRY.

Over the past quarter century, there has been a proliferation of nonprofit service organizations. These groups work in communities throughout the country providing services to Americans that governments do not provide. We calculate that, to meet the new demand for yearlong service slots, the country must create one million full-time civilian service opportunities annually for 18- to 28-year-olds, a number that is on par with the one million who serve on active duty in our military. Meeting this challenge will require a revamping of our community and national service infrastructure.

In addition, we do not want to stop at just one year of dedicated service for younger Americans. One of our goals is to reverse some long-term trends and raise the level of civic participation and service to the levels we saw when members of the Greatest Generation were called upon to defend their country. We must not ignore the fact that there are huge numbers of older Americans today who are eager to pitch in and serve our nation as well.

RECOMMENDATION 3.2: All Americans should participate in service opportunities during their careers and retirements in order to stay connected with one another and to provide invaluable skills and experience to help meet the nation's pressing challenges and support a volunteer service apparatus.

Polling conducted for the American Association of Retired Persons (AARP) showed the Greatest Generation was off the charts in terms of their eagerness to continue to serve during retirement.⁶⁶ Meanwhile, the polling also showed that members of the baby boom generation are concerned they are leaving the world in worse condition than when they inherited it and are eager to step forward in significant ways to serve. These 78 million Americans provide a valuable source of professional and life experiences. Programs like the AARP Experience Corps, led by social entrepreneur Marc Freedman, that seek to deploy these individuals in service and recognize their contributions should be encouraged and expanded.⁶⁷

Training

One of the reasons that employers highly value veterans is their ability to solve problems and work collaboratively with their colleagues to tackle specific workplace challenges. The military excels at teaching leadership skills to its personnel. These well-trained veterans have historically moved into leadership roles in society, including holding public office, filling top positions in corporate America, and founding and leading nonprofit organizations. If we are to design a civilian service program that can yield similar results, we must also plan to train future civilian public service leaders.

Our country already does an excellent job at training future military officers at both the service academies and in the Reserve Officer Training Corps (ROTC) on college campuses. There have been plans long considered but never realized to create a national service academy akin

to the military service academies that would turn out civic leaders. While establishing and sustaining such a national civil leader training academy would require considerable support from the federal government, the ROTC program offers a model for how to stand up this institution, sustain it over time, and nurture future civilian leaders at college campuses across the country. In fact, ROTC programs turn out a comparable number of commissioned military officers as the military service academies themselves. Service ROTC-like programs on the nation's college campuses could be equally effective in training the next generation of civic leaders and volunteers to serve domestically in civilian government and non-governmental organizations.

To expand the opportunities for national, government, and community service, the public and private sectors must work together to support such an expansion. Policymakers, private-sector institutions, and individuals through crowdfunding and other financing mechanisms can support the modest living stipends, tuition reimbursement, loan forgiveness, and other types of assistance that would enable young adults to commit to a year or more of qualified service. Funding for the ROTC-like programs could come from the portions of government that would benefit from the future public service provided by students in training. Just as the U.S. Department of Defense funds and runs ROTC programs, the Federal Emergency Management Agency, the Corporation for National and Community Service, the U.S. Department of Health and Human Service, the U.S. Department of Homeland Security, and other federal agencies could reap significant benefits from having trained public servants enter their ranks, and each agency might be willing to fund civilian leadership programs. In addition, nonprofit organizations, academic institutions, and private scholarship programs could participate by funding scholars and requiring public service in return.

RECOMMENDATION 3.3: Colleges and universities should reaffirm their missions to develop engaged and active citizens and encourage service in formal and informal programs.

There are many service-based academic institutes already in existence throughout the country. The institutes not only provide academic credentials to students, they also help them develop leadership skills that will make them more effective public servants.

One institute at the University of Utah has achieved such acclaim that not participating in the service opportunities it offers sets one apart from the majority of students. This is the type of expectation of service we seek to spread across the country. After a former dean passed away, the University of Utah created the Lowell Bennion Center for Service. While the Center does not pay those participating in its service opportunities, the students do receive academic credit for their work through the center. The center's service work has also become one of the most highly publicized activities at the university. The center reports annually on its impact, and it has actually become a good fundraising opportunity for the school, which may hint at ways that other such institutes might self-fund yearlong service opportunities.⁶⁸

Hobart and William Smith Colleges in Geneva, New York, launched a community-wide initiative with local businesses, churches, and not-for-profit organizations to assist with the strategic priorities of the public schools. Utilizing the collective-impact theory, all organizations are asked to make a commitment focusing their efforts on the three public school priorities: literacy, graduation rate, and career and college readiness. This extensive partnership—titled Geneva 2020—draws on the college students' volunteer engagement and convening opportunities of the undergraduate institution.⁶⁹

Other programs seek to bestow a more official credential on students and future public servants. For example, the Trent Lott Leadership Institute aims to prepare students at the University of Mississippi for state and federal leadership positions by offering a bachelor's degree in public policy leadership. The institute also provides stipends for internships that allow students to experience public service opportunities.⁷⁰ Similarly, the Aspen Institute's Franklin Project is considering the development of a service-related academic credential that would be offered at a few private institutions.⁷¹

An academic credential itself may not produce a better public servant. But it would be an additional incentive that encourages younger Americans to fulfill a yearlong commitment to public service. With its emphasis on leadership and problem-solving, employers would also likely value a service-related academic credential as they hire new employees.

The goal is one million civilian service opportunities.

However, the establishment of new leadership or service institutes is not necessary for higher education to renew its mission of creating engaged citizens and providing service opportunities. Colleges and universities can refocus programming, establish partnerships with community and national service organizations, and draw attention to a spectrum of service careers and post-graduate opportunities. These are all inexpensive alternatives to fully operational, separate institutions or centers with the sole purpose of training future public servants.

Other incentives can be used to promote participation in a yearlong commitment to public service. Similar to athletic and academic scholarships, colleges and universities could

also fund service scholarships that would bind recipients to a defined period of public service after graduation. In return, the scholarship would defray the cost of earning a college degree. The service scholarship should be tailored to a purpose that best fits the sponsoring institution. For example, Tufts University has recently created a bridge program, Tufts 1+4, that offers entering freshmen students from all socioeconomic backgrounds the opportunity to commit to one full year of service before returning to campus for the traditional four-year undergraduate experience.⁷² Tulane University, the College of William and Mary, and other institutions of higher education have similar programs for students after they graduate.

The commission's ultimate goal is the creation of a national public service academy akin to the United States Military Academy at West Point. While achieving this goal is not immediately feasible, we envision a growing network of service programs at existing institutions as the precursor of such an academy.

Expanding Opportunities

The goal is one million civilian service opportunities. The infrastructure to link up demand with supply will be provided through a new "qualified service" opportunity program. But we need to do far more to create the number of opportunities necessary to meet demand.

There are multiple ways to increase opportunities for national service. For example, government-funded programs or programs that receive partial funding from the government tend to have far more applicants than slots to fill. The government should make a concerted effort to fund more of these positions.

RECOMMENDATION 3.4: The federal government must leverage additional resources to increase the supply of available positions in AmeriCorps, VISTA, and the Peace Corps, successful government service programs that turn away countless individuals each year.

When Congress passed the Edward M. Kennedy Serve America Act, it directed the Corporation for National and Community Service to develop a plan to raise the number of approved national service positions through AmeriCorps to 250,000 by fiscal year 2017. However, according to AmeriCorps, the number of positions is stuck at the 80,000 that existed shortly after the passage of the legislation. Additionally, the commission calls on the federal government to find resources to expand the Peace Corps to a higher level than the 4,000 positions that are funded each year.

Service through government internships and fellowships are feasible even during times of fiscal austerity.

Since the federal government by itself will be unable to meet the demand for service positions on its own, we also call upon the states and localities to create yearlong service opportunities to put to work the many dedicated young people in their communities.

Some mayors and governors have already taken the initiative to create chief service officers who evaluate current service programs to assess needs and opportunities. Localities and the states are generally better positioned to respond to their own unique challenges and understand better than anyone their own resource limitations. There are numerous state and local programs that work on important priorities like disaster-preparedness and response, reforming low-performing schools, and conserving public resources. With state and local budgets under significant stress today, these programs would undoubtedly benefit from an infusion of young, dedicated, and home-grown service personnel. Service through government internships and fellowships are

feasible even during times of fiscal austerity. They provide meaningful avenues in which to make a difference while gaining valuable workplace experience.

RECOMMENDATION 3.5: State and local governments should take executive action across departments and agencies to expand service opportunities in areas where there is a demonstrated need.

RECOMMENDATION 3.6: Governors and mayors should work with private and religious nonprofits to identify ways to meet local needs with participants in “qualified service” programs.

The good news is that it is not necessary for mayors and governors to develop their own service infrastructures to meet this demand. In communities throughout the country, there are numerous examples of nonprofits and religious groups already providing vital services to underprivileged residents. In Washington, D.C., for example, organizations like Catholic Charities combat poverty and homelessness.⁷³ The D.C. Central Kitchen provides meals to the hungry.⁷⁴ Mayors and governors must do more to make clear where additional hands would provide value in the delivery of essential services and promote the opportunities as befitting a year of dedicated service.

The Infrastructure

It is easy to identify the large government-funded service programs like the Peace Corps or the military. However, smaller, less well-known opportunities without the cache of the larger government programs may have trouble reaching potential applicants. If we are to achieve our goal of a year of dedicated service for all 18- to 28-year-olds, we must create a much more dynamic system that matches the supply of available service opportunities with the great demand that exists. Building this service infrastructure will require the participation of tens of thousands of

organizations that are outside the government.

This type of nongovernmental service infrastructure was unfathomable not too long ago. If we look back to the creation of the Peace Corps in the 1960s, Sargent Shriver—the Peace Corps’ first director—had to fashion the program as a transfer of funds and personnel from one government agency to another. However, in a memorandum to President John F. Kennedy in February 1961, it is clear that Shriver wanted to administer the program outside the government through colleges, universities, and nonprofits. He specifically envisioned a small pilot program with the University of Notre Dame, but there was no infrastructure in place to make the program work effectively.⁷⁵

During the intervening five decades, a vast nonprofit sector has developed that interacts rather seamlessly with the government and private foundations. There are about 1.4 million nonprofits in the country. Of these, we estimate there are roughly 80,000 nonprofits that participate in, and provide opportunities for, community and national service.⁷⁶ While this network of service-oriented nonprofits is large, the challenge will be to increase the number of service opportunities they offer to meet demand.

RECOMMENDATION 3.7: The public and private sectors should create a nationally recognized “qualified service” opportunity program that uses modern technology to match the supply of existing yearlong service opportunities to the demand of applicants seeking to meet their new cultural expectation to serve.

Under a new system of “qualified service” opportunities, federal, state, and local government agencies, nonprofits, and religious institutions would join together to promote and increase the number of service opportunities. These opportunities would meet certain minimum requirements, such as being full-time and a year in length. Financial and academic incentives for participation would be permissible.

We suggest labeling these opportunities as “qualified service” for two main reasons.

First, we do not believe one type of service trumps another. If an individual’s skills are suited to teaching students in communities that lack qualified teachers, that individual should pursue opportunities like Teach for America. If one’s faith prescribes a period of religious devotion that includes humanitarian work and community service like the missions of the Church of Jesus Christ of Latter Day Saints, that person should pursue opportunities through his church. If an individual believes it is his or her duty to join the U.S. armed forces, the decision to engage in that type of service is equally worth celebrating. The important point is for more young people to feel the cultural expectation to serve their country and then find the most appropriate outlet for that service. The “qualified service” label allows applicants to know their service is on par with the highest standards of the military and federal programs in existence today.

Second, “qualified service” opportunities would meet clear public needs, such as providing tutors and mentors for students trapped in low-performing schools, training and mobilizing disaster-response teams, conserving public lands and resources, reintegrating veterans into civilian life, and reconnecting to school and work the millions of young people who have dropped out or are unemployed.

We acknowledge it will be necessary to provide some overarching requirements for “qualified service” opportunities before implementing the system. For example, we do not believe that overtly partisan activities of a political nature should be considered “qualified service” opportunities. The easiest way to ensure that such instances do not occur would be to base the “qualified service” opportunity label on the Kennedy Serve America Act, which includes explicit prohibitions on political advocacy or displacement of labor.

Once an opportunity is labeled as a qualified opportunity, it will open the door for funding of individual positions through government, the private sector, philanthropic institutions, and new financing mechanisms like crowdfunding, because funders can be confident in the value of the qualified position. Now when the federal government wants to fund national service programs, the funding flows through a nonprofit and can be matched by private funds. This public-private partnership is ideal.

RECOMMENDATION 3.8: A part of the “qualified service” opportunity program should be a capacity to crowdfund individual yearlong service opportunities that the market deems worthy of private donations.

Financing, of course, will be critical to meeting both current and future demand for service opportunities for 18- to 28-year-olds. Without adequate funding, we will be creating expectations for service that cannot be fulfilled. The first step in funding service opportunities should be fulfilling Congress’s promise to fund current service programs as outlined in the Edward M. Kennedy Serve America Act.

We strongly believe that enlarging the pool of people serving must be done in a way that ensures equal opportunity for all. Even though AmeriCorps and Peace Corps volunteers receive a small stipend, it does not mean everyone can afford to participate in these programs. Those individuals who put themselves through college with student loans often do not have the ability to participate in low-paid service work upon graduation.

For a vision of national and community service to be realized, we must identify new and innovative financing solutions to ensure that Americans from all walks of life can participate. Nonprofits and religious institutions will need to be creative, reaching out to philanthropic foundations and corporate sponsors, to help fund viable full-year service

positions. We also endorse crowdfunding that would enable millions of Americans to contribute toward a young adult's year of committed service. Enlisting the public to help support worthy business startups, art projects, and public goods has been highly successful and should be adapted to the service community. For example, should Habitat for Humanity decide to crowdfund to raise money to support one position in an underserved area, we believe that good corporate citizens, foundations, and the public can work together by contributing in small increments to fully fund the service opportunity.

The private sector has a critical role to play in supporting and promoting public service.

Private-Sector Commitment

Some professions, such as academia and law, have well-worn pathways to temporary public and volunteer service; however, few such options exist for individuals in the broader business world. The private sector has a critical role to play in supporting and promoting public service. Some companies allow their employees to take sabbaticals of various lengths in order to volunteer or assume public-service positions. The commission strongly encourages more companies to offer similar sabbatical opportunities to their employees.

RECOMMENDATION 3.9: More private-sector companies should make service-sabbatical opportunities available to their employees so they can use their business skills and expertise to help meet public needs in their own communities, elsewhere in the United States, or in other nations around the world.

Service sabbaticals would provide an infusion of new experience, knowledge, and business practices into government and community service while providing the volunteers with the satisfaction of serving their country. When the employees return from their sabbaticals, the businesses also benefit from having employees with new skills and a wider set of experiences and perspectives.

IBM, for example, offers a service sabbatical to thousands of its employees. These highly educated public servants then use their skills traveling to hotspots around the world while harnessing their technology expertise to solve problems. IBM management has embraced this program because they believe it is the right thing to do. But it also has been a great retention strategy for IBM's business, allowing employees who otherwise may have left permanently to remain on staff while also giving back.⁷⁷

Federal government agencies are also in need of private-sector talent and expertise, and some agencies, such as FEMA, have the ability to accept the services of individuals from the private sector who are interested in using their skills to advance the public good. Engaging the private sector in solving government challenges and improving service delivery to the public has been done successfully at the state and local levels; more should be done to promote and expand these opportunities across all levels of government.

We strongly believe that other private companies should consider service sabbaticals. These temporary volunteer stints will improve our country's ability to meet public needs while aligning with business interests in retaining talent. Companies can also give preferences in hiring, as they do for military veterans today, to those who perform a year or more of national service and have learned important skills such as leadership, collaborative problem-solving, grit and persistence, and public speaking.

Government Service

Public service can be a lifetime endeavor or it can be an experience that one undertakes on a more limited basis at different points in a career. While we have endorsed a full year of dedicated service for young adults and greater efforts to engage older Americans with service later in life, we also believe that young adults as well as mid-career individuals must be encouraged to serve in government at all levels.

At a time when many senior managers at all levels of government are beginning to retire, we must convince younger Americans that there remains great value in serving their nation in this role.

Government service typically takes three distinct forms: elective office, political appointments, and civil service. For those holding elective office or a political appointment, the terms of these experiences are usually limited. An individual may run for office at one point in his or her career and then return to private life after serving. Political appointments are always temporary, subject to the tenure of the appointing officeholder. Civil service as a form of public service is full-time, nonpartisan, career employment at some level of government. At a time when many senior managers at all levels of government are beginning to retire, we must convince younger Americans that there remains great value in serving their nation in this role.

Elective Office

Citizenship is not just about becoming an informed voter, but also includes participating in governance and assuming

a leadership role. Research cited in *Guardian of Democracy: The Civic Mission of Schools*, a report produced by the Campaign for the Civic Mission of Schools in partnership with the Leonore Annenberg Institute for Civics of the Annenberg Public Policy Center at the University of Pennsylvania, shows that an early taste of leadership leads to better academic results for those who participate and a “higher likelihood of civic participation later on, including voting.”⁷⁸

RECOMMENDATION 3.10: Schools should increase dramatically the opportunities for students to participate in student government and other leadership roles, which research shows leads to greater participation in public service later in life.

Student councils, student newspapers, and leadership in student groups groom students for future roles in public service, including elective office. Other early exposures to participation in public life, like registering to vote and serving as poll workers, introduces students to active citizenship.

The commission includes ten former members of Congress, two former governors, seven former Cabinet secretaries, and other high-ranking White House officials and public servants.

It is likely that, without early leadership and political experiences, many of us would not have engaged in public life in quite the same way. While these opportunities for young people offer a helpful springboard into public life, they are certainly not prerequisites for doing so.

Unfortunately, seeking elective office is not a compelling career choice for many young Americans today. In the spring 2013 edition of the Harvard Institute of Politics poll of 18–29-year-olds, 35 percent of respondents said that

JUST ONE IN TEN COLLEGE STUDENTS



WOULD SERVE AS MAYOR FOR ONE DAY,
EVEN IF THE PAY WAS THE SAME AS A
BUSINESS OWNER, TEACHER, AND SALES PERSON.

running for office was an honorable thing to do.⁷⁹ Only 18 percent disagreed, but the largest group of respondents, 46 percent, was not sure about how they viewed running for office. Respondents were split on the statement, “Political involvement rarely has any tangible results”—28 percent agreed with the statement, 27 percent disagreed, and a plurality of 43 percent was not sure what they thought about it.

A recent study conducted by American University researchers shows that just 15 percent of college students have considered running for office “many times,” but 53 percent have never even considered it once.⁸⁰ The respondents were also asked which career they would choose if the jobs paid the same amount of money. Given the choice among mayor, business owner, teacher, and salesperson, just 10 percent were open to serving as a mayor one day.

RECOMMENDATION 3.11: Political parties should ensure that all efforts are made to engage under-30 candidates by providing them with candidate training and access to the resources necessary to run competitive campaigns for elective office at the local, state, and federal levels.

People who reach high public office or senior leadership in civil society have generally climbed some kind of ladder to get there. The traditional model of U.S. political life involves mass participation in official public offices at the hyper-local level, leading to higher office for some. Key institutions were school boards, juries, and town meetings. All have badly eroded:

- 650,000 Americans served annually on school boards in 1932 when the U.S. population was just 125 million. By 1993, about one-tenth as many people served on school boards even though the population had more than doubled.⁸¹
- School board members are less diverse than the student population and adult population of the United States. A 2002 study showed that the members of school boards were on average 86 percent white, 8 percent African American, and 4 percent Hispanic. Nearly two-thirds of boards overall had 90 percent or more white members. What these figures show is that, for people of color, the lowest rungs of political leadership may seem out of reach, making it even more unlikely they will reach the middle and upper rungs.⁸²

- Recent polling data from American University suggest that relatively few college students enter pipelines to future political leadership. For example, 12 percent of college students have participated in College Democrats or College Republicans, 10 percent have run for a student government position, and just 6 percent actually held student government positions. The Higher Education Research Institute data on the class of 2009 also show that 10.9 percent participated in student government, and just 2 percent of graduating college seniors think of policymaking or government as a probable career path.⁸³

Local and state governments also need younger, dedicated Americans. Service on school boards, county councils, and state legislatures provides some of the most direct ways to affect the everyday lives of your neighbors. While there is value in having people experience these types of offices before seeking federal office, local and state government are important in their own right, and we encourage participation in them as ends in themselves.

If promising young men and women see few opportunities to break into elective office at the local level, it becomes less likely that they will ever pursue higher office.

In 2004, with funding from the Center for Information and Research on Civic Learning and Engagement (CIRCLE), researchers Daniel M. Shea and John C. Green surveyed county party leaders (Democrats and Republicans) across the country.⁸⁴ One open-ended, short-answer question asked: “Are there demographic groups of voters that are currently important to the long-term success of your local party?”

Shea and Green reported:

Young voters ... were mentioned by just 8 percent of party leaders. Senior citizens were mentioned nearly three times as often, even though the question addresses the “long-term success of the party.” Next, respondents were asked to think of another group. Here “young voters” were mentioned by only 12 percent of the respondents. Finally, respondents were asked a third time to name an important demographic group for the long-term success of the party, at which time 18 percent pointed to younger voters. In all, local party leaders were given three opportunities to say that younger voters are important to the long-term success of their party, but barely one-third did so.

The study suggests that county-level political organizations are not working to provide pathways for young adults. If promising young men and women see few opportunities to break into elective office at the local level, it becomes less likely that they will ever pursue higher office. Providing these opportunities will be critical in a transformed culture that expects all Americans to serve their communities and country in some capacity.

According to an analysis of *Congressional Quarterly* members’ profiles for the 113th Congress:⁸⁵

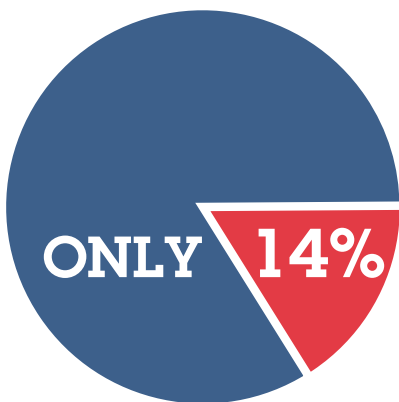
- The mean age of newly elected representatives is 49.2 years; for new senators, it is 53 years.
- 51 of the senators previously served in the House of Representatives.
- At least 100 members were once congressional staffers.
- 33 members are former mayors, ten are former governors, eight were lieutenant governors, seven were judges, 32 were prosecutors, one served in the federal Cabinet, and two were ambassadors.
- 102 were educators (e.g., teachers, professors, coaches).

- Five were Peace Corps volunteers, all in the House.
- Three were sheriffs and one a deputy sheriff, two were FBI agents, and one was a firefighter.
- Nine are currently in the military reserves, and seven are currently in the National Guard.
- Only 20 percent of all members are veterans, and that number has declined markedly. In the 97th Congress (1981–1982), 64 percent of the Congress had served in the military.

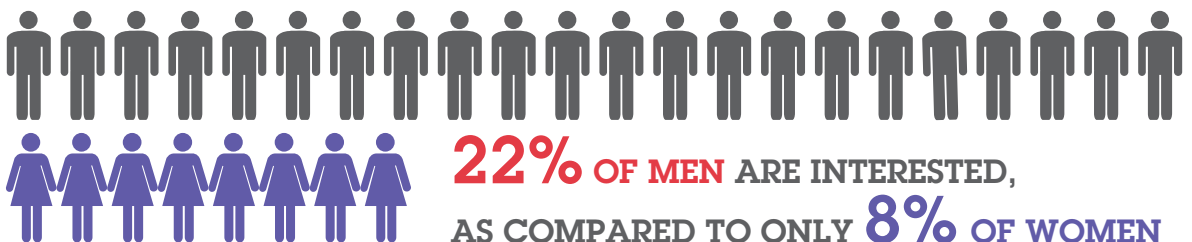
It is clear that the ladder to higher office begins with other efforts, either public service in the military, other volunteer service, governmental service, or lower elective office. If we want the broadest pool of individuals seeking higher office, including election to Congress, we must ensure there are sufficient opportunities available for young Americans to step on the first rungs of this ladder.

Another study focuses on gender differences in the political ambitions of current state legislators, finding that women are less inclined than men to run for the U.S. House of Representatives.⁸⁶ Our own BPC/*USA TODAY* poll revealed that only 14 percent of Americans are interested in ever running for office. However, when broken down by gender, 22 percent of men are interested but only 8 percent of women are.⁸⁷

Asked to place their own desire to run for the House of Representatives on a scale from 1–7, state legislators gave a mean response of 4.8—somewhat above neutral. Asked to rate their chances of ever winning a House seat (i.e., winning the nomination and the general election), they gave a mean response just above “somewhat low.” But they rated the prospect of losing reelection to their current state seat as “extremely low.” In short, many legislators would like to run for federal office, most do not think they could win, and almost all are very secure in their current seats.



ONLY 14% OF AMERICANS ARE INTERESTED IN RUNNING FOR OFFICE:



The United States is different than most of the world in the way it provides opportunities for people outside of government to serve temporarily in the highest leadership positions in federal and state governments.

The data above suggest that the barriers to reaching the upper rungs of the political system are quite large and many of those best-situated to compete for the seats do not believe it is worth the risk and thus do not pursue such opportunities. There is also a distinct gender gap in interest in running for office, which yields the large gap between the number of women reaching higher office and their proportion of the population.

Political Appointments

The United States is different than most of the world in the way it provides opportunities for people outside of government to serve temporarily in the highest leadership positions in federal and state governments. In many countries, the professional bureaucracy holds the permanent positions in government; cabinets and departments are headed by an elected member of parliament who leads a staff that consists nearly entirely of permanent civil servants.

In the United States, however, thousands of top leadership positions are political positions. They are filled by people mostly coming from outside of government to serve a governor or a president for all or part of the executive's term in office. Most will return to nongovernmental positions when leaving appointed office.

The level of responsibility in these appointed roles can be extremely high. In general, for the federal government, political appointees staff the top four levels of departments and agencies. There is the Cabinet department head (usually called the “secretary”), a deputy secretary or multiple deputy secretaries, and numerous undersecretaries and assistant secretaries, each heading up important functional areas of the department with hundreds and even thousands of career civil servant employees reporting to them. The structure is similar at the state level.

THE NUMBER OF APPOINTEES

At the federal level, there are literally thousands of political appointees across the executive branch, ranging from Cabinet secretary to special assistant. These positions include many outside of the typical Washington-based appointments in departments and agencies, such as ambassadors and U.S. attorneys.

According to the most recent Plum Book, there are approximately 1,241 presidential appointments that require U.S. Senate confirmation. These positions include:⁸⁸

1. Roles in the 15 executive departments, such as the Department of Justice, including Cabinet secretaries, deputy secretaries, undersecretaries, assistant secretaries, and general counsels;
2. Appointments to independent executive agencies, such as the National Aeronautics and Space Administration and the U.S. Agency for International Development;
3. Ambassadors;
4. U.S. attorneys and U.S. marshals;
5. Regulators in agencies such as the Environmental Protection Agency and the Securities and Exchange Commission; and

6. Part-time positions, such as appointees to the Broadcasting Board of Governors.

Excluding ambassadors, special representatives to international bodies, U.S. attorneys, and U.S. marshals, we calculate more than 800 presidential appointments that still require action by the Senate. We believe this number is simply too high to funnel through the confirmation process and that many of these positions should be filled without confirmation.

All of these positions are important. And the Senate exercises an important constitutional function in giving its advice and consent on high-level nominees. However, the process as it has evolved today has become too cumbersome and time-consuming, even for nominees to mid-level positions.

Congress recently pared down the number of appointees who require Senate confirmation with the passage of the Presidential Appointment Efficiency and Streamlining Act of 2011.⁸⁹ We believe the enactment of this law was a step in the right direction, but Congress should go further. It should identify the 500 most important positions in the individual departments and agencies, and require Senate confirmation only for nominees to those positions. This group of 500 could include appointees who hire and supervise other appointees, provide advice to an agency director on issues of the highest national importance, and oversee essential functions of the federal government.

RECOMMENDATION 3.12: For federal appointees, only the 500 filling the top policymaking roles in the various departments and agencies should require confirmation by the Senate.

One step Congress could take is to remove various classes of appointees from the confirmation process. While

the chief financial officers in the various Cabinet and executive branch agencies are important, those who fill these positions are rarely involved directly in policymaking. Removing this class of appointees from the confirmation process should be considered. In addition, there are many advisory boards throughout the federal government that meet sporadically and wield very limited power. And yet, a large number of these positions require the advice and consent of the Senate. Congress should also consider removing these positions from the confirmation process.

If Congress is unable to make these judgments, it could create a commission like the Defense Base Closure and Realignment (BRAC) Commission, which makes recommendations for military base closures that are then subject to an up or down vote of Congress without amendment. Likewise, a similarly structured independent commission made up of members of Congress and outside experts could proffer a list of federal positions that would no longer require Senate confirmation. The list would be put before Congress in its entirety for an up or down vote, without amendment.

We also endorse changes to Senate procedure to reduce the amount of time spent on the consideration of nominees. As it stands now, the process can require the Senate to spend 30 hours on each nominee, which becomes extraordinarily incapacitating in terms of the Senate's ability to conduct other important legislative business. In a positive development, the Senate recently streamlined the process for nominees to part-time governmental boards by agreeing to S. Res. 116, which "provide[s] for expedited Senate consideration of certain nominations subject to advice and consent." The resolution potentially affects up to 272 nominees to such governmental boards.⁹⁰

There are, of course, numerous positions in state and federal government that do not require legislative confirmation. This fact does not mean these jobs are

PRESIDENTIAL APPOINTMENTS



* Excluding ambassadors, U.S. Attorneys, special representatives to international bodies, and U.S. marshals.

unimportant. Many fill high-ranking roles, including the chiefs of staff to Cabinet secretaries, deputy assistant secretaries, and almost all of a governor's or a president's inner circle of staff. This group also includes more junior political staff at the departments and agencies.

While the number of political appointees at the state level is difficult to determine, all told, there are roughly 4,000 people who serve a presidential administration as political appointees at any given time.⁹¹ Unfortunately, it is often difficult to identify individuals for these positions with the requisite expertise, especially if these individuals work in

business and have no prior background in government service. Presidential personnel offices tend to be largely reactive in the sense that they vet candidates who are currently engaged and connected enough in the political system to identify and apply for appointee positions. These offices do not have the capacity to reach out to business and nonprofit leaders in a systematic way to identify individuals who are high performers in their fields. If businesses and nonprofits could work together to provide names of accomplished individuals who may be interested in government service, the depth and quality of the pool of potential candidates would be greatly enhanced.

RECOMMENDATION 3.13: The private sector should form a clearinghouse that recommends qualified nominees to the president from the business and nonprofit communities.

While our system of recruiting, appointing, and confirming political appointees has many problems, it nonetheless provides an unrivaled opportunity for private citizens to give their time and share their expertise on the public's behalf. In many other countries, this opportunity does not exist: you commit either to a career in government civil service or a lifetime of work in the private sector.

It is essential to have the broadest possible pool of potential nominees to fill appointed positions at the state and federal levels.

The United States greatly benefits by bringing private citizens into the public arena. There is often a significant knowledge base about policy areas that resides outside of government in industry, unions, advocacy groups, nonprofits, and the scholarly community. The expertise gain

to government can be substantial. One recent example in the federal government is Harold Varmus, a Nobel Prize-winning scientist who was tapped to be the director of the National Institutes of Health before becoming the director of the National Institute for Cancer Research.

At the same time, those who serve in government as political appointees also bring back their acquired knowledge in ways that can benefit the private sector, nonprofit world, academia, and other nongovernmental institutions.

The challenge is to remove those obstacles that discourage or prevent the best and brightest in the private sector from serving in government. It is essential to have the broadest possible pool of potential nominees to fill appointed positions at the state and federal levels. We want to make sure that when governors and presidents make decisions on political appointees, they are able to select individuals of the highest caliber who bring both subject-matter expertise and exceptional management skills.

RECOMMENDATION 3.14: Presidential administrations should open political appointments to the widest possible pool of applicants. They should not impose overly burdensome pre-employment restrictions or rule out entire classes of candidates, but should consider the merits of each individual for a position of public service.

As public servants, political appointees are expected to act in ways that accord with the highest ethical standards. To that end, we endorse strong disclosure requirements about financial and other interests prior to service to ensure there are no conflicts of interest once these individuals are in office. These requirements, however, must not be so onerous as to discourage good people from serving in government and unintentionally limit the pool of available talent.

Some adjustments to the current disclosure regime are in order. At the federal level, Senate committees often ask for financial disclosure information and other background information in a different format than the White House, other committees of Congress, and federal agencies. In some cases, presidential nominees are subject to the jurisdiction of several Senate committees. As a consequence, they often have to appear at multiple Senate hearings, make numerous visits to Senate offices, and meet different sets of disclosure requirements.

RECOMMENDATION 3.15: The legislative and executive branches must streamline and reduce the paperwork and financial disclosure forms for political appointees.

At the federal level, Congress and the administration are beginning to address this issue with the passage of the Presidential Appointment Efficiency and Streamlining Act of 2011, which created a working group for streamlining paperwork and financial disclosures for political appointees. We urge the implementation of the working group's recommendations, including the creation of common forms that allow inputting the same data across different institutions of Congress and the executive branch.⁹²

For nominees at the state level, there should be one form that satisfies the disclosure requirements of the executive branch, legislature, and the entity conducting background checks. In the case of forms that cannot be combined, state governments should use existing technology to pull data from one form into all subsequent forms so that nominees do not have to complete numerous, substantially similar forms themselves. State executives and legislatures could also develop core questions for all nominees that can be answered one time, with the administration and each relevant committee of the legislature able to ask supplemental questions when necessary. State governments should also look for ways to streamline the paperwork

required of nominees. This streamlining will speed up the appointments process and reduce the costs that nominees may incur.

It is equally important not to discourage highly qualified individuals from considering public service through extensive bans on post-service employment. For example, for federal appointees leaving service, there are restrictions on how and when they may have contact with their former colleagues. Under current law, the "cooling off" period is two years for many appointees, but certain offices require longer terms of separation. For example, the U.S. trade representative, upon leaving office, is barred for life from representing foreign governments before the Trade Representative's Office and other parts of the U.S. government.⁹³

RECOMMENDATION 3.16: Post-employment restrictions on political appointees should generally last no longer than one year.

Bans that prohibit work on substantially similar topics after an appointee has left government service may limit the pool of individuals interested in serving. For most political appointees, restrictions on post-service employment should last no longer than one year. Requirements to disclose activities that occur one year after leaving government service may be appropriate in some instances, but only in rare circumstances should people who leave the government be forbidden to hold certain types of employment or be prohibited from having contact with their former government colleagues beyond a one-year period.

NEW ADMINISTRATIONS

Incoming governors and presidents must staff up their administrations quickly upon taking office. While we will not cover the process for every state here, much of what we recommend for the federal level can be tailored as needed to individual state executives.

It is possible to do more planning before a new administration takes office. While strides have been made in recent election cycles, more assistance for the two presidential campaigns and the president-elect may allow for a smoother transition process and a fully staffed corps of political appointees ready to work at the start of administrations.

RECOMMENDATION 3.17: The executive branch should significantly scale up its presidential personnel operation during its first year in office, a recommendation that has been developed by the Aspen Institute’s Commission to Reform the Federal Appointments Process.

RECOMMENDATION 3.18: Congress and the executive branch should expand the list of appointees deemed essential for government operation to 150, while nominating and confirming these appointees under an expedited process.

In recent years, several groups have pushed for more government involvement in the planning of presidential transitions, resulting in the Pre-Election Presidential Transition Act of 2010.⁹⁴ This legislation directs the administrator of the General Services Administration to “provide certain presidential transition services and facilities, including office space, equipment, and payment of certain related expenses, to eligible presidential and vice-presidential candidates before a presidential general election. [It also] directs the President, or the President’s delegate, to take necessary and appropriate actions to plan and coordinate activities by the executive branch of the federal government to facilitate an efficient transfer of power to a successor President.”

As it stands now, presidential transitions are often marred by an administration’s failure to nominate political appointees in a timely manner. In some cases, the administration does

not provide the Senate with any background materials about the nominee beyond the nominee’s name and Social Security number. This lack of information typically results in a longer investigation by the Senate. At the same time, the lack of action on nominations is often a reflection of a capacity problem; there is simply not enough staff in the White House Office of Personnel Management. Additional staff and resources dedicated to recruiting and vetting new administration appointees would help address the backlog of nominations that must be filled during the first year of an administration.

Importantly, national security nominations requiring Senate confirmation are getting stuck in the backlog of appointments. In addition to minimizing the number of executive branch appointees that require Senate confirmation, the process would benefit if certain nominations were given a higher priority at the start of a new administration. Just as Cabinet-level appointees are vetted and can have Senate nomination hearings prior to Inauguration Day, a larger universe of key national security and essential positions should likewise move in an expedited fashion. In its report, the 9/11 Commission made the following recommendation:⁹⁵

Since a catastrophic attack could occur with little or no notice, we should minimize as much as possible the disruption of national security policymaking during the change of administrations by accelerating the process for national security appointments. We think the process could be improved significantly so transitions can work more effectively and allow new officials to assume their new responsibilities as quickly as possible.

While it will still be incumbent on the incoming president to announce his or her intent to nominate individuals earlier than current practice, a fast-track option for national security and other essential appointees at the beginning of a new administration will promote smoother transitions and more effective governance.

In addition, more attention is needed to prepare incoming appointees for their new roles, particularly at the most senior levels. Serving as a government leader, most notably at the federal level, is unique in many respects. A federal appointee must serve the president, work with career staff and other appointees across government, manage multiple budgets, establish a relationship with various stakeholders (possibly including Congress), and avoid unintentional missteps that could embarrass the appointee or the new administration. Serving in government as a political appointee is a generous act of public service, and appointees should be equipped with the knowledge and tools they need to serve successfully.

Civil Service

In recent years, the public seems to perceive civilian, non-defense government service in a more negative light. While much attention is paid to the political actors in governmental service, individuals holding political appointments constitute only one small part of the overall system. We believe it is essential to raise awareness among the public of the important, and often critical, functions performed by career, full-time civil servants at all levels of government. If we allow the negative perceptions to go unchallenged, we risk diminishing the idea of pursuing a career in the civil service in the minds of America's youngest citizens, to the detriment of us all.

As a nation, we must do a better job of recognizing achievements by our civil servants. While the nonprofit and nonpartisan organization Partnership for Public Service (the Partnership) does a commendable job showcasing the great achievements of our nation's top civil service performers through the Service to America Medals program, there must be a more concerted effort by the federal government to share the success stories of people in government who are achieving outstanding results as government employees on behalf of the American people.⁹⁶

Former Senator Ted Kaufman (D-DE) began a tradition of recognizing high-performing civilian employees during speeches on the floor of the Senate. Senator Mark Warner (D-VA) has continued this tradition, but we need many more voices, from all sectors, to talk about the good things happening in our government and the tremendous opportunities to make a difference through government service.

RECOMMENDATION 3.19: The executive branch should highlight the careers and achievements of career civil servants to promote a better public understanding of the important contributions they make to our society.

Moreover, the government must do a better job of recruiting and onboarding the newest generation of civil servants. Private companies actively recruit graduating seniors on college campuses across the country. So, too, does the military. Yet this deep pool of talent is relatively untouched by the federal government, with little outreach to qualified university graduates.

There are some exceptions, however. Several federal agencies, such as the U.S. Department of Energy, have student ambassador programs that have been highly successful. For its part, the Office of Personnel and Management's (OPM) Pathways Programs highlight and streamline the hiring process for internships and entry-level jobs in the federal government.⁹⁷ The Pathways internship provides students in high school and college paid internships in federal agencies to explore careers in government service. The Pathways Recent Graduates Program promotes entry-level jobs to recent graduates (individuals who have graduated in the previous two years from undergraduate and graduate schools). OPM also maintains a website, USAJOBSRecruit.gov, a one-stop recruiting site for the federal agencies. The aim of the Pathways Programs is to build direct pipelines of entry-level talent into government service, but more can be done.

RECOMMENDATION 3.20: The federal government should scale up its Pathways-branded programs, which connect students with potential avenues for employment within the federal government.

In addition, the Partnership connects colleges and universities with federal agencies through its Call to Serve program to promote careers in government service.⁹⁸ Call to Serve educates students with mission-critical skills about careers in federal service and how to apply for those opportunities. The Partnership also runs a successful Federal Student Ambassadors program that trains former federal agency interns to share their experiences with their college campus communities and serve as a resource to other students who are interested in internship opportunities.

RECOMMENDATION 3.21: Executive branch agencies should set aside a certain number or percentage of entry-level positions each year for college recruits.

RECOMMENDATION 3.22: To increase interest in civil service opportunities, executive branch agencies should engage in more extensive advertising at job fairs and on job websites that specialize in connecting entry-level employees to employers.

Citizenship itself comes with requirements.

One final area of focus must be the federal government's pending "brain drain" of highly qualified civil servants who are set to retire over the next decade. Years of pay freezes and the sequester have made federal civilian service for highly qualified employees less desirable. The efforts to increase recruiting at the lower levels of civil service will

eventually alleviate this crisis, but the federal government must also make a concerted effort to scale up its efforts to recruit those individuals who will make up the senior managers at various agencies.

RECOMMENDATION 3.23: Federal and state governments should allow more flexibility for seamless interagency transfers so that the best civil servants stay interested in government service without having to worry about differing retirement, pay, and benefits systems.

Civics Education

Citizenship itself comes with requirements. While those seeking to become citizens must master a set of minimal facts about our political system and history, little is expected of those born into the privilege of U.S. citizenship. Yet every American has a responsibility to learn about U.S. democracy's origins and the institutions that support it today. There is much we can do to improve the level of civics education in this country.



Permanent residents applying for citizenship are required to take an oral civics test administered by the U.S. Citizenship and Immigration Services (USCIS).⁹⁹ The applicant is asked ten questions and must answer six out of the ten to pass. Questions from the exam cover basic civics, American history, and U.S. geography. Below are several questions from the USCIS civics exam. Can you answer them all correctly?

Q: What do we call the first ten amendments to the Constitution?

A: The Bill of Rights

Q: How many amendments does the Constitution have?

A: 27

Q: Why do some states have more representatives than other states?

A: The state's population

Q: The Federalist Papers supported the passage of the U.S. Constitution. Name one of the writers.

A: James Madison, Alexander Hamilton, John Jay, Publius

Q: Name one U.S. territory.

A: Puerto Rico, U.S. Virgin Islands, American Samoa, Northern Mariana Islands, Guam.

Americans need a sufficient base of knowledge in U.S. history and civics education and early exposure to leadership opportunities in order to fulfill their responsibility to be informed citizens. Too few Americans have a real understanding of how their government works and ways that they can influence public policy discourse. By starting a national focus on civics education and early participation, we can start building a more fully prepared electorate with the tools to engage in meaningful public policy discourse.

The good news is that civics education is taught to the vast majority of K–12 students. All states have K–12 civics standards, and almost all states require at least a semester-long class on U.S. government.¹⁰⁰ Most students' studies focus on the Constitution and U.S. system of government. Unfortunately, the quality and type of education the nation's schools are providing do not develop the analytical and critical thinking skills necessary for students to be active citizens. Although students receive some civics education, disparities exist in the quality of education between wealthy and poor communities.¹⁰¹

By starting a national focus on civics education and early participation, we can start building a more fully prepared electorate with the tools to engage in meaningful public policy discourse.

Most curricula and required texts focus on rote memorization and early U.S. history. Students need greater instruction and practice of advanced civic skills, such as deliberation and collaboration. Introduction of controversial and polarizing current events and policy debates can prepare students for active citizenship and foster students' interest in politics and current affairs. If we do not reach Americans during their formative years, then we will fail to create the next generation of truly informed American citizens.¹⁰²

The new Common Core curriculum requirements, the most substantial revamp to the U.S. education system in a generation, are a subject of intense debate today.¹⁰³ We do not intend to wade into this debate, except to say that it is a mistake for the Common Core not to have a greater focus on civics education. Although the Common Core includes the

Declaration of Independence, Constitution, and Lincoln's second Inaugural Address as mandatory texts, an increased focus on civic skills could bring more attention to the core values of public education. The omission of greater civics education is odd as many state constitutions make civics a priority. Instilling the basics about the values and institutions of democracy should be a fundamental mission of the nation's public schools.

RECOMMENDATION 3.24: Consistent with state constitutions, schools should refocus on their original civic missions to provide the core values, knowledge, and ideas from American history in civic learning that will equip the next generation of active, engaged citizens. Educators need modern curricula, professional development, and training to provide adequate civic skills to young Americans.

There are many ways to return to the original civic missions of schools. Drawing attention to civics education as a core mission of education, expanding partnerships and education alliances to foster greater research and professional development opportunities, and shifting the focus of civics education to greater deliberation, debate, and collaborative work are all strategies that could improve the quality of civics education. The soon-to-open Edward M. Kennedy Institute for the United States Senate is one new institution that we expect to be a leader in driving innovative, participatory, educational programming to help educate and inspire future generations of informed citizens.¹⁰⁴ The institute will encourage debate and critical thinking by bringing visitors into the legislative process through simulations of Senate deliberations.

Some improvements to civic education exist in federal law already, such as the legislation creating Constitution Day. On September 17 each year, “the civil and educational authorities of States, counties, cities, and towns are urged to make plans for the proper observance of Constitution

Day and Citizenship Day and for the complete instruction of citizens in their responsibilities and opportunities as citizens of the United States and of the State and locality in which they reside.”¹⁰⁵ Any school receiving federal funds is required by the Department of Education to comply, which usually means a discussion of the Constitution on campus and a reading of other foundational U.S. documents. In addition, there are other national days of service to community and country, including Martin Luther King Jr. Day and Earth Day.

Of course, reading about the Constitution one day a year is far from sufficient to educate the type of informed, engaged citizens our country needs. Coursework must also include making students aware of the multiple ways in which they can serve their communities, which in turn contributes to serving their country. By instilling the notion that citizenship—whether one is born into it or earns it another way—comes with civic obligations and an expectation to serve the country will be far better equipped to overcome the many challenges the United States faces today.

Conclusion

Encouraging greater participation in community, national, and public service is essential if the United States is to remain the land of civic participation. The commission is confident that its recommendations for the nation's federal, state, and local officials as well as for business and religious leaders to engage all Americans, and particularly youth, in the many aspects of service and to encourage greater participation across the entire spectrum of service will reverse the trend of fewer Americans serving their fellow citizens. These proposals will restore public service as an essential component of American citizenship and a necessary ingredient for a better-functioning and less-polarized political system.



Governance Program
Commission on Political Reform



Conclusion

The United States has a polarized political system that makes governing a challenge. America is a strong and resilient country that has faced difficulties before. Over the course of the commission's deliberations, we have seen the great strengths of the American people, and we have put forth recommendations that foster a modern, strong, and vibrant political system—one that accepts the strongly held differences of opinion among citizens and channels these differences in productive ways.

The recommendations are incremental, politically viable, and most importantly, achievable—if citizens and leaders are ready to confront the structural and system-wide weaknesses in a fair and bipartisan way. No one recommendation is a silver bullet, but when taken together, they represent a pragmatic starting point in the work to ensure the nation's bright future. The commission is confident that this blueprint for political reform will lead to a stronger, more united America and restore the public's trust in the U.S. political system. The release of *Governing in a Polarized America: A Bipartisan Blueprint to Strengthen our Democracy* is not an end point for the Commission on Political Reform. The commission will promote its recommendations to the public, as well as to Congress and other Washington institutions. Change does not always come all at once, but even the start of reform can provide a spark of hope to Americans who are often discouraged by the differences and deadlock in Washington.

The commission will educate the public and influence the influencers about the bipartisan recommendations.

In the second half of 2014, the commission intends to more directly take on some of the congressional recommendations, especially our filibuster reforms, with potential actionable rules packages for the 114th Congress to consider. It is our hope that congressional leaders from both parties can embrace the commission's recommendations to improve debate in Congress.

Throughout the summer and fall, commissioners will speak at events across the country at universities and public policy institutes. And the commission will participate in or host several events around the midterm election to highlight our electoral system recommendations on primary reform, redistricting, and improving registration. In addition to the general outreach, there are recommendations in the report that appeal to a wide variety of institutions, both governmental and nongovernmental: changes to Congress, the states, and the executive branch; changes in behavior and outlook for political parties; and changes for election officials.

Ultimately, however, the report speaks to average citizens, who want to see effective governance in a world of divisions. Recommendations affect them directly in their roles as voters, public servants, poll workers, potential candidates for office, and constituents. Many of the recommendations depend on the support of average citizens not elites in Washington institutions. The commission's aspirations for America's political future are amplified by a concerned and engaged citizenry, just as the phrase on the Seal of the United States says: *E pluribus unum*. "Out of many, one."



Governance Program
Commission on Political Reform



APPENDIX: Data on Congress

Index

Appendix A. Comparative Legislative Data for the House of Representatives: 103rd–111th Congresses (1993–2010)

Appendix B. Comparative Data on Unreported Measures on Which Special Rules Were Granted, 109th–113th Congresses

Appendix C. Special Rules Providing for the Original Consideration of Legislation in the House, 103rd–113th Congresses (1993–2013)

Appendix D. Senate Action on Cloture Motions

Appendix E. Instances in Which Senate Majority Leaders Have Filled the Amendment Tree (1985–2013)

Appendix F. Methods of Bicameral Resolution on Public Laws, 103rd–111th Congresses (1993–2010)

Appendix G. Methods of Resolving Differences Between the House & Senate on Bills that Become Laws, 103rd–111th Congress (1993–2010)

Appendix H. Disposition of Appropriations Bills, 102nd–112th Congresses (1991–2012)

Appendix I. Dates of Final Adoption of Budget Resolutions (FY1976–FY2012)

Appendix J. A Chronology of Senate Rules Changes Affecting Debate

Appendix A. Comparative Legislative Data for the House of Representatives: 103rd–112th Congresses (1993–2012)

Item	103rd (1993-94)	104th (1995-96)	105th (1997-98)	106th (1999-2000)	107th (2001-02)	108th (2003-04)	109th (2005-06)	110th (2007-08)	111th (2009-10)	112th (2011-12)
Days in Session	265	289	248	272	265	243	242	282	286	327
Hours in Session	1,887	2,445	1,979	2,179	1,694	1,893	1,917	2,368	2,127	1,718
Average Hours Per Day	7.1	8.5	7.9	8	6.4	7.8	7.9	8.4	7.4	5.3
Public Measures Introduced	5,739	4,542	5,012	5,815	5,892	5,557	6,540	7,441	6,669	6,845
Public Measures Reported	544	518	511	654	510	572	428	627	435	500
Public Measures Passed	757	611	710	917	587	801	770	1,101	859	584
Unreported Public Measures Passed	291	165	282	392	203	346	382	577	474	260
Unreported Passed as % of Total	38%	27%	40%	43%	35%	43%	50%	52%	55%	45%
Total Public Laws Enacted	465	333	394	580	377	498	482	416	383	283
Commemoratives Enacted	81	0	0	0	1	1	0	0	3	0
Substantive Laws (minus commemoratives)	384	333	394	580	376	497	482	416	380	283
Total Roll Call Votes	1,094	1,321	1,157	1,209	990	1,218	1,212	1,865	1,647	1,603
Party Unity Votes: No. (% of all votes)	698 (64%)	891 (67%)	615 (53%)	547 (45%)	413 (42%)	604 (47%)	623 (56%)	990 (55%)	766 (47%)	1,194 (73%)
Measures Passed Under Suspension	420	343	461	669	464	594	612	568	475	421
Suspensions as % of All Passed	56%	56%	66%	73%	79%	74%	79%	52%	54%	71%
Suspension Measures Enacted	227	194	258	437	255	388	374	371	330	223

Item	103rd (1993- 94)	104th (1995- 96)	105th (1997- 98)	106th (1999- 2000)	107th (2001- 02)	108th (2003- 04)	109th (2005- 06)	110th (2007- 08)	111th (2009- 10)	112th (2011- 12)
Suspensions as % of All Laws	50%	58%	65%	75%	68%	78%	76%	81%	86%	79%
Open/Modified Open Rules: No. (%)	46 (44%)	83 (58%)	74 (53%)	91 (51%)	40 (37%)	24 (26%)	24 (19%)	23 (14%)	1 (1%)	25 (18%)
Structured Rules: No. (%)	40 (38%)	20 (14%)	6 (4%)	32 (18%)	20 (19%)	34 (26%)	52 (42%)	71 (44%)	60 (54%)	58 (41%)
Modified Closed Rules: No. (%)	9 (9%)	20 (14%)	36 (26%)	17 (9%)	24 (22%)	28 (21%)	9 (7%)	10 (6%)	12 (11%)	7 (5%)
Closed Rules: No. (%)	9 (9%)	19 (14%)	24 (17%)	39 (22%)	23 (22%)	37 (28%)	40 (32%)	59 (36%)	38 (34%)	50 (36%)
Self-Executing Rules: No.: (%)	30 (22%)	38 (25%)	46 (32%)	40 (22%)	42 (37%)	30 (22%)	28 (22%)	44 (28%)	40 (36%)	36 (26%)
Committees/ Subcommittees	23/118	20/86	20/83	20/87	20/93	20/92	21/97	21/103	21/102	21/104
Committee Staff	1,800	1,171	1,265	1,205	1,366	1,383	1,363	1,344	1,324	1,272

Sources: “Resumé of Congressional Activity,” Daily Digest, Congressional Record; “Survey of Activities,” Committee on Rules; Congressional Research Service Reports on “Committee Numbers, Sizes, Assignments and Staff,” and “Legislative Branch Appropriations”; House Calendars; Rules Committee Calendars & Website; and THOMAS.

Notes: “Public measures” refers only to bills and joint resolutions and not simple or concurrent resolutions; “all measures” includes bills, joint, concurrent, and simple resolutions. Suspension measures are those relatively non-controversial bills and joint resolutions considered under the suspension of the rules procedure on Mondays, Tuesdays, and Wednesdays, which allows for just 40 minutes of debate, no amendments, and requires a two-thirds vote for passage.

Appendix B. Comparative Data on Unreported Measures On Which Special Rules Were Granted in House 109th–113th Congresses (2005-2014)

(Current through May 17, 2014)

Item	109 th Congress (2005-2006)	110 th Congress (2007-2008)	111 th Congress (2009-2010)	112 th Congress (2011-2012)	113 th Congress (2013-2014)
Total Measures with Special Rules	125	163	111	140	109
Unreported Measures with Special Rules	34	35	29	38	44
Unreported Measures as Percent of Total	27%	21%	26%	27%	40%
Unreported Measures with Closed Rules	28	32	21	31	38
Total Closed Rules	40	59	38	50	52
Unreported Closed as Percent of All Closed	70%	54%	55%	62%	73%

Data compiled by: Don Wolfensberger, resident scholar, Bipartisan Policy Center

Appendix C. Special Rules Providing for the Original Consideration of Legislation in the House, 103rd–113th Congresses (1993–2014)

(Current through May 17, 2014)

Congress	Open/Modified Open		Structured		Modified Closed		Closed		Totals	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
103rd (1993-1994)	46	44%	40	38%	9	9%	9	9%	104	100%
104th (1995-1996)	83	58%	20	14%	20	14%	19	14%	142	100%
105th (1997-1998)	74	53%	6	4%	36	26%	24	17%	140	100%
106th (1999-2000)	91	51%	32	18%	17	9%	39	22%	179	100%
107th (2001-2002)	40	37%	20	19%	24	22%	23	22%	107	100%
108th (2003-2004)	34	26%	34	26%	28	21%	37	28%	133	101%
109th (2005-2006)	24	19%	52	42%	9	7%	40	32%	125	100%
110th (2007-2008)	23	14%	71	44%	10	6%	59	36%	163	100%

Congress	Open/Modified Open		Structured		Modified Closed		Closed		Totals	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
111th (2009-2010)	1	1%	60	54%	12	11%	38	34%	111	100%
112th (2011-2012)	25	18%	58	41%	7	5%	50	36%	140	100%
113th (2013-2014)	7	6%	46	42%	4	4%	52	48%	109	100%

Sources: Committee on Rules Tables for 103rd & 104th Congresses; House Calendars, and personal examination of texts of and reports on special rules reported by the House Rules Committee, from the THOMAS and Rules Committee web sites for 105th-113th Congresses. <http://www.house.gov/rules/welcome.htm>.

Notes: The table applies only to special rules providing for the initial consideration for amendment of bills, joint resolutions, and significant concurrent resolutions (e.g., budget, war-related). It does not apply to privileged resolutions considered in the House, to subsequent rules for the same measure, to conference reports, or to special rules that only waives points of order against appropriations bills but do not provide for consideration in the Committee of the Whole. Rules making in order more than one bill are counted as a separate rule for each measure made in order, e.g., a rule providing for the consideration of four bills under closed rules is counted as four closed rules. An open rule is one which permits any Member to offer an amendment otherwise germane in the Committee of the Whole under the five-minute rule. A modified open rule is one which either requires the pre-printing of amendments (PP) in the Congressional Record, sets an overall time-cap (TC) on the amendment process, or both. A structured rule is one which limits the amendments that can be offered to those specified in the special rule and/or report on the rule. A modified closed rule allows for just one amendment (usually a minority substitute). A closed rule is one which permits the offering of no amendments (except those recommended by the reporting committee(s) or contained in a motion to recommit with instructions). R & NR indicates whether the bill was reported or not reported.

Data compiled by: Don Wolfensberger, resident scholar, Bipartisan Policy Center

Appendix D. Senate Actions on Cloture Motions, 1985–2013

(Current through Dec. 31, 2013)

Congress	Years	Majority Leader	Party in Majority	Motions Filed	Votes on Cloture	Cloture Invoked
99th	1985–1986	Robert Dole	Republicans	41	23	10
100th	1987–1988	Robert Byrd	Democrats	54	43	12
101st	1989–1990	George Mitchell	Democrats	38	24	11
102nd	1991–1992	George Mitchell	Democrats	60	48	23
103rd	1993–1994	George Mitchell	Democrats	80	46	14
104th	1995–1996	Robert Dole / Trent Lott	Republicans	82	50	9
105th	1997–1998	Trent Lott	Republicans	69	53	18
106th	1999–2000	Trent Lott	Republicans	71	58	28
107th	2001–2002	Tom Daschle	Democrats	71	61	34
108th	2003–2004	Bill Frist	Republicans	62	49	12
109th	2005–2006	Bill Frist	Republicans	68	54	34
110th	2007–2008	Harry Reid	Democrats	139	112	61
111th	2009–2010	Harry Reid	Democrats	137	91	63
112th	2011–2012	Harry Reid	Democrats	115	73	41
113th	2013	Harry Reid	Democrats	78	65	51
Totals	8.5 Congresses		Democrats	772	563	310
Avg./Cong.				(91)	(66)	(36)
Totals	6 Congresses		Republicans	393	287	111
Avg./Cong.				(66)	(48)	(19)

Source: Excerpted from “Senate Action on Cloture Motions,” U.S. Senate website, accessed at: http://www.senate.gov/pagelayout/reference/cloture_motions/clotureCounts.htm on Jan. 23, 2014.

Data compiled by: Don Wolfensberger, resident scholar, Bipartisan Policy Center

N.B. Totals for 113th Congress are for first session only.

Appendix E. Instances in Which Senate Majority Leaders Have Filled the Amendment Tree (1985–2013)

Majority Leader	Party of Majority Leader	Years as Majority Leader	Number of Times Filled the Tree
Robert Dole	Republican	3.5 yrs. (1985–1986; 1995–1996)	7
Robert C. Byrd	Democrat	2 yrs. (1987–1988)	3
George Mitchell	Democrat	6 yrs. (1989–1994)	3
Trent Lott	Republican	4.5 yrs. (1996–2000)	11
Thomas A. Daschle	Democrat	2 yrs. (2001–2003)	1
William H. Frist	Republican	4 yrs. (2003–2007)	15
Harry M. Reid	Democrat	7 yrs. (2007–2013)	80
Totals	Democrats	17 yrs.	87 (5.1 avg/yr)
Totals	Republicans	12 yrs.	33 (2.8 avg/yr)

Source: Congressional Research Service report as summarized in remarks by Senator Lamar Alexander (R-TN.), Congressional Record, Dec. 13, 2012, S 8028; plus updates through the end of the 113th Congress, 1st session, cited by Senator Jeff Sessions (R-AL.), Congressional Record, Jan. 16, 2014, S 401.

Data compiled by: Don Wolfensberger, resident scholar, Bipartisan Policy Center

Appendix F. Methods of Bicameral Resolution on Public Laws, 103rd–112th Congresses (1993–2012)

Congress	Public Laws	Amendments Between Houses	ABH as Percent of Total Laws	Conference Committees	CC as Percent of Total Laws
103rd (1993–1994)	465	112	24%	62	13%
104th (1995–1996)	333	55	17%	44	13%
105th (1997–1998)	394	77	20%	39	9%
106th (1999–2000)	580	106	18%	38	7%
107th (2001–2002)	377	55	15%	33	9%
108th (2003–2004)	498	57	11%	35	7%
109th (2005–2006)	482	60	12%	26	5%
110th (2007–2008)	416	79	19%	10	2%
111th (2009–2010)	383	78	20%	12	3%
112th (2011–2012)	283	50	18%	7	2%

Sources: Walter Oleszek, senior specialist, Government and Finance, Congressional Research Service Report for Congress (RL34611), “Whither the Role of Conference Committees: An Analysis,” Aug. 12, 2008; Elizabeth Rybicki, specialist on Congress and the legislative process, Congressional Research Service Report for Congress (R41003), “Amendments Between the Houses: Procedural Options and Effects,” Jan. 13, 2012; and House Calendars.

Note: The above columns showing amendments between the houses versus conference committees reflect only those bills that became law on which different versions were passed in each house. The difference between those two categories combined and total public laws reflect those bills on which the second house to act passed the bill in identical form as the first—on average roughly 70 to 80 percent of total laws enacted in each Congress.

Data compiled by: Don Wolfensberger, resident scholar, Bipartisan Policy Center

Appendix G. Methods of Resolving Differences Between the House & Senate On Bills that Become Public Laws, 103rd–111th Congresses (1993–2010)

Congress	Amendments Between Houses	ABH as Percent of Measures in Disagreement	Conference Committees	CC as Percent of Measures in Disagreement	Totals
103rd (1993–1994)	112	64%	62	36%	174
104th (1995–1996)	55	56%	44	44%	99
105th (1997–1998)	77	66%	39	34%	116
106th (1999–2000)	106	74%	38	26%	144
107th (2001–2002)	55	63%	33	38%	88
108th (2003–2004)	57	62%	35	38%	92
109th (2005–2006)	60	70%	26	30%	86
110th (2007–2008)	79	89%	10	11%	89
111th (2009–2010)	78	87%	12	13%	90
112th (2011–2012)	50	88%	7	12%	57

Sources: Walter Oleszek, senior specialist, Government and Finance, Congressional Research Service Report for Congress (RL34611), “Whither the Role of Conference Committees: An Analysis,” Aug. 12, 2008; Elizabeth Rybicki, specialist on Congress and the Legislative Process, Congressional Research Service Report for Congress (R41003), “Amendments Between the Houses: Procedural Options and Effects,” Jan. 13, 2012; and House Calendars.

Note: The above data reflect only those bills that became law that also involved some initial differences between the House and Senate passed versions. On average, 70 to 80 percent of the laws in each Congress involve the adoption by one house of the measure as sent to it by the other house, without change.

Data compiled by: Don Wolfensberger, resident scholar, Bipartisan Policy Center

Appendix H. Disposition of Appropriations Bills, 102nd–112th Congresses (1991–2012)

Congress/Year	Regular Approps Enacted Separately by Oct. 1st	Regular Approps Enacted Separately After Oct. 1st	Reg Approps Enacted in Omnibus by Oct. 1st	Reg Approps Enacted in Omnibus After Oct. 1st	Short-term CRs Enacted
102nd/1991	2	9	0	0	3
102nd/1992	1	12	0	0	2
103rd/1993	2	9	0	0	3
103rd/1994	13	0	0	0	0
104th/1995	0	8	0	0	6
104th/1996	7	0	6	0	6
105th/1997	1	12	0	0	6
105th/1998	1	5	0	0	7
106th/1999	4	4	0	4	7
106th/2000	2	11	0	0	21
107th/2001	0	12	0	0	8
107th/2002	0	2	0	10	12
108th/2003	2	3	0	7	7
108th/2004	1	3	0	9	2
109th/2005	2	10	0	0	3
109th/2006	1	1	0	10	3
110th/2007	0	1	0	11	4
110th/2008	0	0	0	12	1
111th/2009	0	6	0	6	0
111th/2010	0	0	0	12	6
112th/2011	0	0	0	12	5
112th/2012	0	0	0	TBD	1

Sources: House Calendars; THOMAS.

Appendix I. Dates of Final Adoption of Budget Resolutions (FY1976–FY2013)

Fiscal Year	Date Adopted	Fiscal Year	Date Adopted
1976	05-14-1975	1995	05-12-1994
1977	05-13-1976	1996	06-29-1995
1978	05-17-1977	1997	06-13-1996
1979	05-17-1978	1998	06-05-1997
1980	05-24-1979	1999	[none]
1981	06-12-1980	2000	04-15-1999
1982	05-21-1981	2001	04-13-2000
1983	06-23-1982	2002	05-10-2001
1984	06-23-1983	2003	[none]
1985	10-01-1985	2004	04-11-2003
1986	08-01-1985	2005	[none]
1987	06-27-1986	2006	04-28-2005
1988	06-24-1987	2007	[none]
1989	06-06-1988	2008	05-17-2007
1990	05-18-1989	2009	06-05-2008
1991	10-09-1990	2010	04-29-2009
1992	05-22-1991	2011	[none]
1993	05-21-1992	2012	[none]
1994	04-01-1993	2013	[none]
		2014	12-12 & 12-18-13

Source: Bill Heniff Jr. and Justin Murray, “Congressional Budget Resolutions: Historical Information,” CRS Report for Congress, March 13, 2012, Table 12.

Notes: The above data relates to the adoption of the first budget resolution in each fiscal year. In 1985, Congress eliminated the requirement for a second budget resolution and changed the deadline for adoption from May 15 to April 15 (effective in 1986). Since 1974, Congress has met the deadline for final adoption of the budget resolution just six times. Prior to the change in dates for final adoption, Congress met the deadline twice, in 1975 and 1976. Subsequently, Congress has met the deadline four times. Congress has failed to adopt a budget resolution in seven fiscal years (though the Senate has maintained that the Budget Enforcement Act of 2011 suffices in lieu of a budget resolution because it contains statutory spending ceilings). The FY2014 budget resolution was adopted as part of the Bipartisan Budget Act (H.J. Res. 59) enacted into law Dec. 16, 2013 (Public Law 113-67).

Appendix J. A Chronology of Senate Rules Changes Affecting Debate

1789—Senate adopts rules at beginning of First Congress, including a motion for the previous question. However, unlike the modern House motion that ends debate, this brings matters to a final vote; the Senate motion “was used to avoid discussion of a delicate subject or one that might have injurious consequences,” effectively removing the matter from floor consideration.

1806—Previous question motion dropped from Senate Standing Rules after having been used only three times since its inception.

1841, 1850, 1860s, and 1870s—Individual senators proposed adopting a rule for the modern previous question to end debate and bring the matter to a vote, but nothing came of the proposals.

1883—Senate Rules Committee proposed modern previous question motion in its recodification of Senate rules, but provision was struck on Senate floor.

1890, 1893—Senator Aldrich and then others propose first cloture rule to end debate by majority vote. None were adopted. (Aldrich’s proposal was victim of a filibuster.)

1915—Senate Rules Committee proposed a cloture rule to end filibuster by two-thirds vote. Not acted on.

1917—Woodrow Wilson calls on Senate to adopt a cloture rule after his legislation to arm merchant ships to counter German submarine warfare died of a filibuster. Senate adopted its first cloture rule (Rule XXII).

1949—Senate cloture rule amended to permit cloture motions to be invoked on a pending motion or matter, not just on a pending measure, expanding its use to nominations and motions to proceed. Cloture threshold was raised from two-thirds of those present and voting to two-thirds of entire Senate. Cloture could not be invoked on Senate rules changes (including the cloture rule).

1975—Senate cloture rule changed to lower threshold to three-fifths of sitting senators (60 votes if full Senate). Two-

thirds cloture vote retained for any Senate rules changes.

1979—Senate cloture rule was amended to impose a 100-hour post cloture vote limit on debate (not more than one hour per senator).

1986—Senate agrees to televise floor proceedings; post-cloture debate limit reduced to 30 hours.

2011—Senate agreed to limit practice of “secret holds” to anonymously block legislation and nominations, and majority and minority leaders struck a “gentleman’s agreement to allow more Republican minority amendments to legislation in return for Republican promise not to block legislation from coming to the Senate floor.

2013—Senate Rule XXII (cloture rule) is amended (S. Res. 16, Jan. 25): (a) to permit expedited procedure for taking up a bill (or other matter) if a bipartisan cloture motion is filed (two leaders plus seven other senators from each party), and prohibit further debate if motion is adopted; and (b) to consolidate into a single motion the previous three motions required relating to going to conference with House under an expedited cloture process. In addition, standing orders were adopted (S. Res. 15): (a) to provide for expedited motions to proceed after four hours of debate with a minimum of two amendments per party guaranteed; and (b) to accelerate consideration of many nominations if at least three-fifths agree to vote on their approval, reducing from 30 to eight hours debate for many nominations and two hours for U.S. district court nominations (excluded are some major executive and judicial nominations).

Nov. 21, 2013—Senate Majority Leader Reid makes a point of order that only a majority vote is needed to invoke cloture on most nominations (except for the Supreme Court), and successfully appeals (overturns) the chair’s ruling that a three-fifths vote is required, thereby establishing a new precedent.

Sources: *Senate Cloture Print*, S. Prt. 99–95, 99th Congress, 1st. Sess. (1985); CRS Reports; *CQ Weekly Reports*.



Governance Program
Commission on Political Reform



Endnotes

1. "BPC/USA TODAY National Survey on Political Polarization." *Bipartisan Policy Center*. 6 March 2013. <http://bipartisanpolicy.org/library/research/bpcusa-today-national-survey-political-polarization>.
2. Mann, Thomas E., and Norman J. Ornstein. *It's Even Worse Than It Looks*. New York: Basic Books, 2012.
3. Galston, William A. "Ignore Swing Voters at Your Peril." *The Brookings Institution*. 12 March 2012. <http://www.brookings.edu/research/opinions/2012/03/12-vote-galston>.
4. Jones, Jeffrey M. "Record-High 42% of Americans Identify as Independents." *Gallup*. 8 January 2014. <http://www.gallup.com/poll/166763/record-high-americans-identify-independents.aspx>.
5. Fiorina, Morris P., Samuel J. Abrams, and Jeremy C. Pope. *Culture War?* New York: Longman, 2011.
6. "BPC/USA TODAY National Survey on Political Polarization." *Bipartisan Policy Center*. 6 March 2013. <http://bipartisanpolicy.org/library/research/bpcusa-today-national-survey-political-polarization>.
7. "BPC/USA TODAY National Survey on Political Polarization." *Bipartisan Policy Center*. 6 March 2013. <http://bipartisanpolicy.org/library/research/bpcusa-today-national-survey-political-polarization>.
8. West, Darrell M. *Air Wars: Television Advertising and Social Media in Election Campaigns*. California: CQ Press, 2014.
9. Fiorina, Morris P., Samuel J. Abrams, and Jeremy C. Pope. *Culture War?* New York: Longman, 2011.
10. "Overview: The Legislative Framework in the Senate." *United States Senate*. http://www.senate.gov/legislative/common/briefing/Senate_legislative_process.htm.
11. Cain, Bruce E. "Redistricting Commissions: A Better Political Buffer?" 121 *Yale L.J.* 1808. 2012.
12. McCarty, N., K.T. Poole, and H. Rosenthal. "Does Gerrymandering Cause Polarization?" *American Journal of Political Science*, Vol. 53 No. 3, 666-680. 2009.
13. "2012 Redistricting: Will the House be More Polarized than Ever?" *Bipartisan Policy Center*. 5 November 2012. <http://bipartisanpolicy.org/library/report/2012-redistricting-will-house-be-more-polarized-ever>.
14. Murray, Charles. *Coming Apart: The state of white America 1960-2010*. New York: Crown Forum, 2012.
15. Wasserman, David "Before & After the 2012 Election: Partisan Distribution of the House." *Cook Political Report*. 2012. <http://cookpolitical.com/house/pvi>.
16. Cain, Bruce E. "Redistricting Commissions: A Better Political Buffer?" 121 *Yale L.J.* 1808. 2012.
17. "Iowa Redistricting." *The Iowa Legislature*. 2011. <https://www.legis.iowa.gov/resources/redistricting>.
18. Washington State Redistricting Commission, 2012, <http://www.redistricting.wa.gov/>; Idaho Commission on Redistricting, 2012, <http://www.legislature.idaho.gov/redistricting/redistricting.htm>; Hawaii Reapportionment Commission, 2011, <http://hawaii.gov/elections/reapportionment/>; New Jersey Redistricting Commission, 2011, <http://www.njredistrictingcommission.org/>.
19. California Citizens Redistricting Commission, 2011, <http://wedrawthelines.ca.gov/>; Arizona Independent Redistricting Commission, 2012, <http://azredistricting.org/>.
20. Altman, Micah, and Michael P. McDonald. "The Promise and Perils of Computers in Redistricting." *Duke Journal of Constitutional Law & Public Policy*, Vol. 5 No. 69. 2010. Also: *Public Mapping Project*. <http://www.publicmapping.org/>.
21. *Shaw v. Reno*, 509 U.S. 630. 1993.
22. "National Primary Turnout Hits New Record Low." *Bipartisan Policy Center and Center for the Study of the American Electorate*. 10 October 2012. <http://bipartisanpolicy.org/library/report/national-primary-turnout-hits-new-record-low>. "2012 Voter Turnout." *Bipartisan Policy Center and Center for the Study of the American Electorate*. 8 November 2012. <http://bipartisanpolicy.org/library/report/2012-voter-turnout>.
23. "2012 Voter Turnout." *Bipartisan Policy Center and Center for the Study of the American Electorate*. 8 November 2012. <http://bipartisanpolicy.org/library/report/2012-voter-turnout>.
24. "National Primary Turnout Hits New Record Low." *Bipartisan Policy Center and Center for the Study of the American Electorate*. 10 October 2012. <http://bipartisanpolicy.org/library/report/national-primary-turnout-hits-new-record-low>.
25. Gans, Curtis. "Final Primary Report: 2010 Elections." *Center for the Study of the American Electorate, American University*. 14 October 2010. http://www.american.edu/media/upload/2010_Final_PrimaryData_10-14-10_AUCSAE.pdf.
26. "Inaccurate, Costly and Inefficient: Evidence that America's Voter Registration System Needs an Upgrade." *The Pew Charitable Trusts*. 14 February 2012. http://www.pewtrusts.org/our_work_report_detail.aspx?id=85899370677.
27. Selective Service System, www.sss.gov. Also: "Military Selective Service Act." 50 U.S.C. App. 451 et seq. <http://www.sss.gov/pdfs/mssa-2003.pdf>.
28. Electronic Registration Information Center, <http://www.ericstates.org/>.
29. "National Voter Registration Act of 1993." 42 U.S.C. § 1973gg.
30. "The American Voting Experience: Report and Recommendations of the Presidential Commission on Election Administration." *Presidential Commission on Election Administration*. January 2014. www.supportthevoter.gov.
31. The Election Center, <https://www.electioncenter.org/>; International Association of Clerks, Election Officials and Treasurers, <http://www.iacreat.com>; National Association of Secretaries of State, <http://www.nass.org>; National Association of State Election Directors, <http://www.nased.org>.
32. "The American Voting Experience: Report and Recommendations of the Presidential Commission on Election Administration." *Presidential Commission on Election Administration*. January 2014. www.supportthevoter.gov.
33. Foley, Edward B. "How Fair Can be Faster: The Lessons of *Coleman v. Franken*." *Election Law Journal*, Vol. 10 No. 3. 2011.
34. Fortier, John C., ed. *After the People Vote: A Guide to the Electoral College*. The AEI Press: Washington, D.C., 2004.
35. "Help America Vote Act (HAVA) of 2002." Pub. L. 107-252.
36. "Election Administration and Voting Survey." *United States Election Assistance Commission*. http://www.eac.gov/research/election_administration_and_voting_survey.aspx.
37. Federal Election Commission, <http://www.fec.gov/>.
38. "Outside Spending by Disclosure, Excluding Party Committees." *Center for Responsive Politics*. 2014. <https://www.opensecrets.org/outsidespending/disclosure.php>.
39. "Campaign Guide for Nonconnected Committees." *Federal Election Commission*. May 2008. <http://www.fec.gov/pdf/nongui.pdf>.
40. Kroft, Steve. "Washington's Open Secret: Profitable PACs." *CBS News*. 11 May 2014. <http://www.cbsnews.com/news/washingtons-open-secret-profitable-pacs-2/>.
41. *Citizens United v. Federal Election Commission*, 558 U.S. 310, 2010; *McCutcheon et al. v. Federal Election Commission*, 134 S.Ct. 1434, 2014.
42. National Commission on Terrorist Attacks Upon the United States, <http://www.9-11commission.gov>.

43. Malbin, Michael J., and Peter W. Brusoe. "Small Donors, Big Democracy." *The Campaign Finance Institute*. 14 July 2011. <http://www.cfinst.org/pdf/state/NYC-as-a-Model.pdf>.
44. "BPC/USA TODAY National Survey on Congress." *Bipartisan Policy Center*. 25 March 2014. <http://bipartisanpolicy.org/library/research/bpcusa-today-national-survey-congress>.
45. "Congress and the Public: Congressional Job Approval Ratings Trend (1974-Present)." *Gallup*. <http://www.gallup.com/poll/1600/congress-public.aspx>.
46. Fenno Jr., Richard F. *Congressmen in Committees*. Little Brown: Boston, 1973.
47. "House Calendar: 113th Congress, Second Session." *Office of the Majority Leader, U.S. House of Representatives*. <http://majorityleader.gov/Calendar/113thCongressSecondSession.pdf>.
48. "Setting the Example: Women Politicians Leading the Way." *Bipartisan Policy Center*. 7 November 2013. <http://bipartisanpolicy.org/blog/2013/11/07/setting-example-women-politicians-leading-way>.
49. Wolfensberger, Donald R. "Getting Back to Legislating: Reflections of a Congressional Working Group." *Bipartisan Policy Center*. 27 November 2012. <http://bipartisanpolicy.org/sites/default/files/BPC%20Congress%20Report-6.pdf>.
50. "Standing Rules of the Senate." *United States Senate*. http://www.senate.gov/reference/reference_index_subjects/Rules_and_Procedure_vrd.htm.
51. Binder, Sarah A., and Steven S. Smith. *Politics or Principle: Filibustering in the United States Senate*. The Brookings Institution: Washington, D.C., 1997.
52. Oleszek, Walter J. "'Holds' in the Senate." *Congressional Research Service*, CRS Rep 98-712. 19 May 2008.
53. Senate, S. Res. 28, 112th Congress.
54. "Standing Rules of the Senate." *United States Senate*. http://www.senate.gov/reference/reference_index_subjects/Rules_and_Procedure_vrd.htm.
55. De Tocqueville, Alexis. *Democracy in America*. 1835.
56. "BPC/USA TODAY National Survey on Public Service." *Bipartisan Policy Center*. 22 July 2013. <http://bipartisanpolicy.org/library/research/bpcusa-today-national-survey-public-service>.
57. "AmeriCorps Week Marked from Coast to Coast." *Corporation for National & Community Service*. 23 March 2012. <http://www.nationalservice.gov/newsroom/press-releases/2012/ameri-corps-week-marked-coast-coast>.
58. Brandon, Emily. "The Baby Boomers Turn 65." *U.S. News & World Report*. 20 December 2010. <http://money.usnews.com/money/retirement/articles/2010/12/20/the-baby-boomers-turn-65>.
59. "Fast Facts." *Peace Corps*. <http://www.peacecorps.gov/about/fastfacts/>.
60. Bridgeland, John M. *Heart of the Nation*. Lanham: Rowman & Littlefield, 2013.
61. "Presidential Memorandum: Expanding National Service Through Partnerships to Advance Government Priorities." *Office of the Press Secretary, The White House*. 15 July 2013.
62. "BPC/USA TODAY National Survey on Political Polarization." *Bipartisan Policy Center*. 6 March 2013. <http://bipartisanpolicy.org/library/research/bpcusa-today-national-survey-political-polarization>.
63. "BPC/USA TODAY National Survey on Public Service." *Bipartisan Policy Center*. 22 July 2013. <http://bipartisanpolicy.org/library/research/bpcusa-today-national-survey-public-service>.
64. "Survey of Young Americans' Attitudes Toward Politics and Public Service: 23rd Edition." *Institute of Politics, Harvard University*. 30 April 2013. http://www.iop.harvard.edu/sites/default/files_new/spring_poll_13_Exec_Summary.pdf.
65. "Edward M. Kennedy Serve America Act." Pub. L. 111-113.
66. "More to Give: Tapping the Talents of the Baby Boomer, Silent and Greatest Generations." *AARP*. 2008. http://www.civicenterprises.net/MediaLibrary/Docs/more_to_give.pdf.
67. AARP Experience Corps. <http://www.aarp.org/experience-corps/>.
68. Lowell Bennion Community Service Center, University of Utah, <http://bennioncenter.org/>.
69. "Geneva 2020." *Hobart and William Smith Colleges*. <http://bennioncenter.org/>.
70. Trent Lott Leadership Institute, University of Mississippi, <http://lottinst.olemiss.edu/>.
71. "Franklin Project." The Aspen Institute. <http://www.aspeninstitute.org/policy-work/franklin-project>.
72. "Tufts 1+4." *Jonathan M. Tisch College of Citizenship and Public Service, Tufts University*. <http://activecitizen.tufts.edu/tufts14/>.
73. Catholic Charities USA, <http://catholiccharitiesusa.org/>.
74. D.C. Central Kitchen, <http://www.dccentralkitchen.org/>.
75. Bridgeland, John M. *Heart of the Nation*. Lanham: Rowman & Littlefield, 2013.
76. "Quick Facts About Nonprofits." *National Center for Charitable Statistics, Urban Institute*. 2013. <http://nccs.urban.org/statistics/quickfacts.cfm>.
77. Corporate Service Corps." *IBM*. <http://www.ibm.com/ibm/responsibility/corporateservicecorps/press.html>.
78. "Guardian of Democracy: The Civic Mission of Schools." *The Leonore Annenberg Institute for Civics of the Annenberg Public Policy Center at the University of Pennsylvania and the Campaign for the Civic Mission of Schools*. 15 September 2011. <http://www.civicyouth.org/wp-content/uploads/2011/09/GuardianofDemocracy.pdf>.
79. "Survey of Young Americans' Attitudes Toward Politics and Public Service: 23rd Edition." *Institute of Politics, Harvard University*. 30 April 2013. http://www.iop.harvard.edu/sites/default/files_new/spring_poll_13_Exec_Summary.pdf.
80. Lawless, Jennifer L., and Richard L. Fox. "Girls Just Wanna Not Run: The Gender Gap in Young Americans' Political Ambition." *Women & Politics Institute, American University*. March 2013. http://www.american.edu/spa/wpi/upload/girls-just-wanna-not-run_policy-report.pdf.
81. Ostrom, Elinor. "Covenanting, Co-Producing, and the Good Society." *The Newsletter of PEGS*, Vol. 3 No. 2, 7-9. Summer 1993.
82. Hess, Frederick M. "School Boards at the Dawn of the 21st Century: Conditions and Challenges of District Governance." *National School Boards Association*. 2002.
83. Higher Education Research Institute, UCLA, <http://www.heri.ucla.edu/>.
84. Shea, Dennis M., and John C. Green. "The Fountain of Youth: Political Parties & the Mobilization of Young Americans." *Center for Information and Research on Civic Learning and Engagement, University of Maryland*. 2004. http://www.civicyouth.org/PopUps/WorkingPapers/Fountain%20Youth_CPP.pdf.
85. Manning, Jennifer E. "Membership of the 113th Congress: A Profile." *Congressional Research*. 14 March 2014.
86. Fulton, S.A., C.D. Maestas, L.S. Maisel, and W.J. Stone. "The Sense of a Woman: Gender, Ambition, and the Decision to Run for Congress." *Political Research Quarterly*, Vol. 59 No. 2, 235-248. June 2006.
87. "BPC/USA TODAY National Survey on Public Service." *Bipartisan Policy Center*. 22 July 2013. <http://bipartisanpolicy.org/library/research/bpcusa-today-national-survey-public-service>.

-
88. "United States Government: Policy and Supporting Positions." *Committee on Oversight and Government Reform, U.S. House of Representatives*, 112th Congress, 2nd Session. 1 December 2012. <http://www.gpo.gov/fdsys/pkg/GPO-PLUMBOOK-2012/pdf/GPO-PLUMBOOK-2012.pdf>. (Commonly known as the Plum Book).
 89. "Presidential Appointment Efficiency and Streamlining Act of 2011." PL 112-166.
 90. Senate, S. Res. 116, 112th Congress. 2011.
 91. "United States Government: Policy and Supporting Positions." *Committee on Oversight and Government Reform, U.S. House of Representatives*. 112th Congress, 2nd Session. 1 December 2012. <http://www.gpo.gov/fdsys/pkg/GPO-PLUMBOOK-2012/pdf/GPO-PLUMBOOK-2012.pdf>.
 92. "Streamlining Paperwork for Executive Nominations." *Working Group on Streamlining Paperwork for Executive Nominations*. November 2012. <http://whitehousetransitionproject.org/resources/briefing/appointments/Report%20of%20S679%20Working%20Group-Final.pdf>.
 93. "Former Federal Trade Officials Laws on Post-Employment Activities." *Government Accountability Office*. June 2010. <http://www.gao.gov/new.items/d10766.pdf>.
 94. "Pre-Election Presidential Transition Act of 2010." P.L. 111-283.
 95. "The 9/11 Commission Report." *National Commission on Terrorist Attacks Upon the United States*. 422.
 96. Heyman, Samuel J. "Service to America Medals, Partnership for Public Service, <http://servicetoamericamedals.org/SAM/index.shtml>.
 97. Exec. Order. No. 12562. "Recruiting and Hiring Students and Recent Graduates." 27 December 2010. <http://www.whitehouse.gov/the-press-office/2010/12/27/executive-order-recruiting-and-hiring-students-and-recent-graduates>.
 98. Call to Serve. *Partnership for Public Service*. <http://www.ourpublicservice.org/OPS/programs/calltoserve/>.
 99. "Civics (History and Government) Questions for the Naturalization Test." *U.S. Citizenship and Immigration Services*. March 2011. <http://www.uscis.gov/sites/default/files/USCIS/Office%20of%20Citizenship/Citizenship%20Resource%20Center%20Site/Publications/100q.pdf>.
 100. "New Interactive Map Explores Civic Education State-by-State." *CIRCLE*. 24 March 2014. <http://www.civicyouth.org/new-interactive-map-explores-civic-education-state-by-state/>.
 101. Kahne, Joseph, and Ellen Middaugh. "Democracy for Some: The Civic Opportunity Gap in High School." *CIRCLE*, Working Paper 59. February 2008. <http://www.civicyouth.org/PopUps/WorkingPapers/WP59Kahne.pdf>.
 102. "All Together Now: Collaboration and Innovation for Youth Engagement: The Report of the Commission on Youth Voting and Civic Knowledge." *CIRCLE*. 2013. <http://www.civicyouth.org/wp-content/uploads/2013/09/CIRCLE-youthvoting-individualPages.pdf>.
 103. "Common Core State Standards for English Language Arts & Literacy in History/ Social Studies, Science, and Technical Subjects." *Common Core State Standards Initiative*. http://www.corestandards.org/wp-content/uploads/ELA_Standards.pdf.
 104. Edward M. Kennedy Institute for the United States Senate, <http://emkinstitute.org/>.
 105. 36 U.S. Code § 106.



BIPARTISAN POLICY CENTER

1225 Eye Street NW, Suite 1000
Washington, DC 20005
(202) 204-2400

WWW.BIPARTISANPOLICY.ORG

Founded in 2007 by former Senate Majority Leaders Howard Baker, Tom Daschle, Bob Dole and George Mitchell, the Bipartisan Policy Center (BPC) is a non-profit organization that drives principled solutions through rigorous analysis, reasoned negotiation and respectful dialogue. With projects in multiple issue areas, BPC combines politically balanced policymaking with strong, proactive advocacy and outreach.