

Australian Political Exchange Council

USA Election Observer Study Tour by Mr Sanjay Kumar

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Executive Summary

It is with much appreciation to those who made it possible, that I submit this report in my Australian Political Exchange Council Individual Study Tour to the United States of America during the months of October and November 2012, and encompassing the 2012 Presidential Election Campaign.

My visit to the United States was solely contained within North Dakota where, in parallel to the Presidential Campaign, voters would also elect two-thirds of the State's Congressional Delegation, members of the State Legislature and the State's Executive.

While there was no specific set itinerary for this visit to the United States, I was particularly interested in related to my professional employment in party administration, including the interaction of the political process with the system and tiers of government, electoral procedure including specific provisions of electoral legislation and prevailing economic and political climate.

I seek to expand on each of these topics herein while providing an insight into the American Midwest during this critical phase of the electoral cycle.

North Dakota – Characteristics and Notables

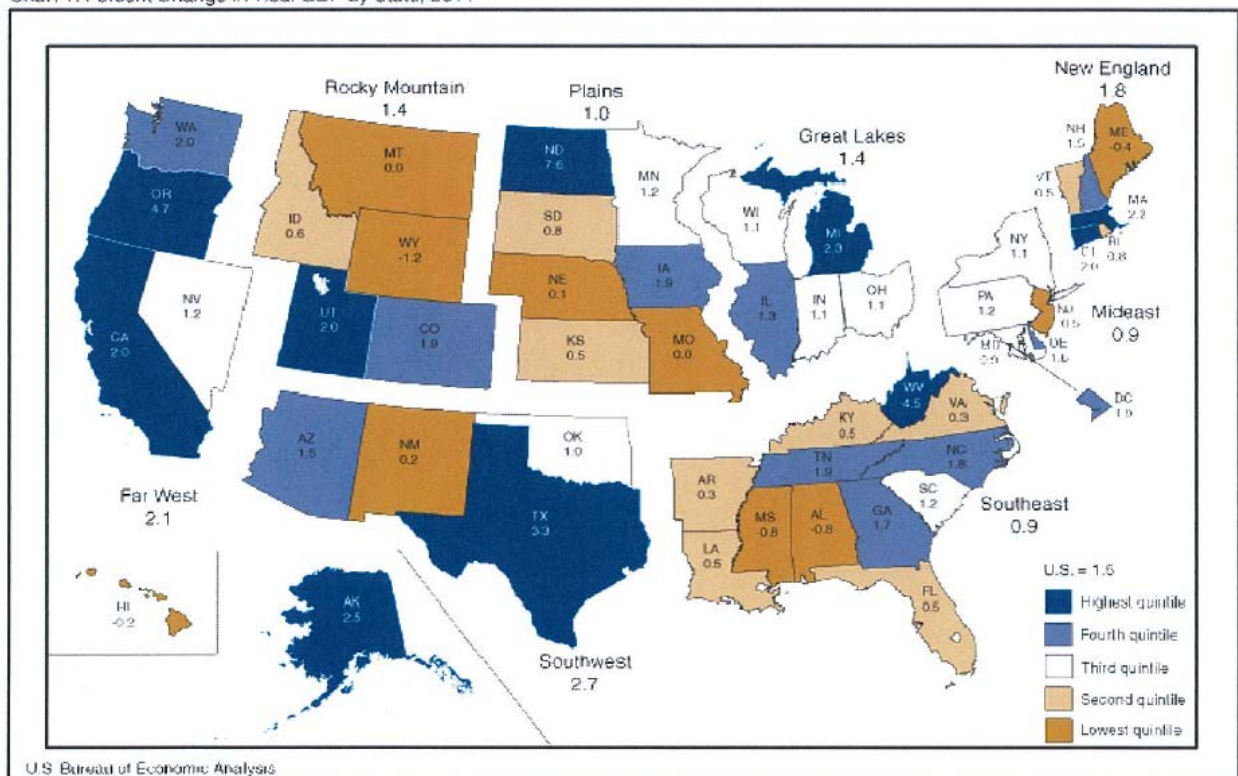
In terms of populations, North Dakota is the third smallest of the 50 United States by populace with an estimated 699,628 residents, larger only than nearby Wyoming and Vermont in the country's north-east.

Immediately adjacent to the Canadian border, in the heart of the mid-west, and the 19th largest state by area, the state has a population density of 3.8 persons per square kilometre in comparison to the whole of country average 33.82 persons/sq km and Australia's 2.6 persons/sq km. Over 40 per cent of the population is resident in four major cities, located in a rectangular geometry mimicking the state's silhouette and major transport links such as the former Great Northern Railway.

Yet despite being overshadowed by the largest of states (i.e. California, Texas, New York and Florida) North Dakota has an economy likely to envy Governments world- over. The newfound ability to harvest natural gas in Western North Dakota has led to an economic boom, allowing the state to thrive while the rest of the rest of the country is struggling economically.

Remarkable not in its sparseness of population, in 2011, the most recent reporting period, North Dakota's economy exhibited annual GDP growth of 7.6 per cent, or some five times the national average in a year exhibiting negative average results.

Chart 1. Percent Change in Real GDP by State, 2011



Certainly a more significant pull-factor than the harsh cold experienced by this writer, this economic growth has likely contributed to the nation's-best annual state population growth of 2.17 per cent in 2011-2012.

Accordingly, while North Dakota's political leaders have the challenge of servicing and supporting a dispersed population, it is a state with a thriving economy, a \$4 billion annual budget and an enviable level of state debt. Indeed, a budgetary position that, even exempt of federal assistance, would far outstrip that of my home state of South Australia.

These economic and social factors made North Dakota an interesting, if largely unreported, hotbed of political activity in a critical election year.

Political system characteristics

Two pivotal differences observed in the North Dakota electoral system appeared to significantly contribute to a more outward style of political engagement by the candidates political parties and third-parties than that generally observed in Australian politics.

Political Structure and Voting Behaviour

Owing to the direct election of North Dakota's Executive branch, in parallel to the State Legislative, Congressional and Presidential Elections, the months leading up to the November 6 elections had seen frantic activity by candidates canvassing for electoral support.

Having participated in 31 presidential elections, North Dakota has voted Republican in the previous 12 consecutively and in all but six elections since joining the union in 1889.

This meant while the national and international media focussed almost entirely on the Presidential Campaign and, to a lesser extent, a change to the balance of power in the Senate, political parties in North Dakota were embroiled in the hard-fought race for the open Senate-seat of retiring Democrat, Senator Kent Conrad.

Owing to its small population, North Dakota holds three seats in the United States Congress, with one 'at-large' House of Representatives District and two seats in the Senate. In contrast to the State's Republican voting inclination, the North Dakotan Congressional Delegation was entirely Democratic between 1987 and 2010.

In an unusual pattern of voting behaviour the State voted consistently for Republican Presidential Candidates while sending Democrats to Congress.

The direct election method flows down in North Dakota such that the State's Executive, from the Governor to the Public Service Commissioner, is directly elected, and therefore explicitly separate from the state legislature. This method also provides for, and has previously delivered, a cross-party Executive.

While a substantive debate in the merits of both features are beyond the scope of, or basis for, this report, it is interesting to note that while the former occurs to a limited extent in South Australia with local Government elections, the latter has occurred in recent memory only in the process of a political party seeking to form minority or coalition Government.

Electoral Regulation

Much has been written about the American system of voluntary voting, particularly around its effect on the democratic process and electoral fairness.

Little is written about the manner and execution of electoral regulation, state by state and country by country differences and the discretion provided to the local electoral officials regarding the execution of voting procedure, the operation of polling booths and the issuance of counting of ballots, at all levels of government.

One such example is the lack of voter registration in North Dakota, the equivalent of Australia's system of electoral enrolment.

On the basis of it being "restrictive and costly" North Dakota has resisted calls for the reintroduction of registration, having abolished it in the 1950's for its so-called Challenge System. It is the only state in the Union with this system.

According to information produced by the Secretary of State, North Dakota's rural heritage and small voting precincts allow for the effective operation of an effective honour-system, whereby an electoral official may challenge the right of an elector to vote in a given precinct.

Eligible electors are US Citizens, aged 18 or over, who have been resident in the relevant electoral precinct (electorate) for the 30 days prior to Election Day.

The Challenge System essentially mandates voter identification, with the State maintaining a list of voters who have cast ballots for a given precinct in previous elections. Should an individual not be listed against such a roll, and fail to produce sufficient identification, their eligibility may be challenged.

Acceptable identification, listing date of birth and residential address includes driver's licenses, student, tribal or military identification cards, or a recent utility bill. Should a voter be unable to produce such identification, an electoral official to whom they are known may vouch for their eligibility or the individual may execute a Voter's Affidavit.

Interestingly, data on voter participation showed that, in 2012, North Dakota ranked 15th for voter turnout at 60.6 per cent participation, in comparison to Minnesota, the state with greatest participation at 75.7 per cent.

Attempts to reintroduce registration as a means of counteracting vote fraud have been wholly unsuccessful, although a provision for optional registration is provided in the applicable North Dakota Century Code.

In practise, a low level of centralised electoral regulation provides exceptional discretion to the divisional returning officer and in North Dakota, 47 county auditors oversaw 426 polling places and 325,862 votes cast; determining the location and layout of polling places, the opening hours, conduct of scrutiny, including early voting, and the operating hours and right of access for parties and volunteers.

In the absence of a clear and standard form of conduct at a national or even state-wide level, significant effort is required to ensure political parties are complying with requirements for polling day and that parties are able to satisfy themselves as to the veracity of the ballot scrutiny.

This was of particular significance in the sections of North Dakota with oil and gas deposits, with noteworthy uncertainty on a part of political parties regarding the eligibility of more transient voters to cast a ballot.

Campaign Observations

Owing to the voluntary voting method in play, both political parties devoted significant time and energy to not just unaligned or undecided voters, as is often a key focus of major parties in a compulsory voting system, but ensuring committed, known supporters would cast their ballot.

It is perhaps due to this need to effectively energise the supporter base while also engaging those undecided voters that, even accounting for the cross-jurisdiction nature of the US campaign, I observed a significant disparity in the magnitude of activity in comparison to Australia.

Much has been written and said about the American focus on ground-game or grass-roots politics however it was the 'get out the vote' effort and regularity and significance of electoral advertising that was most different to an Australian campaign.



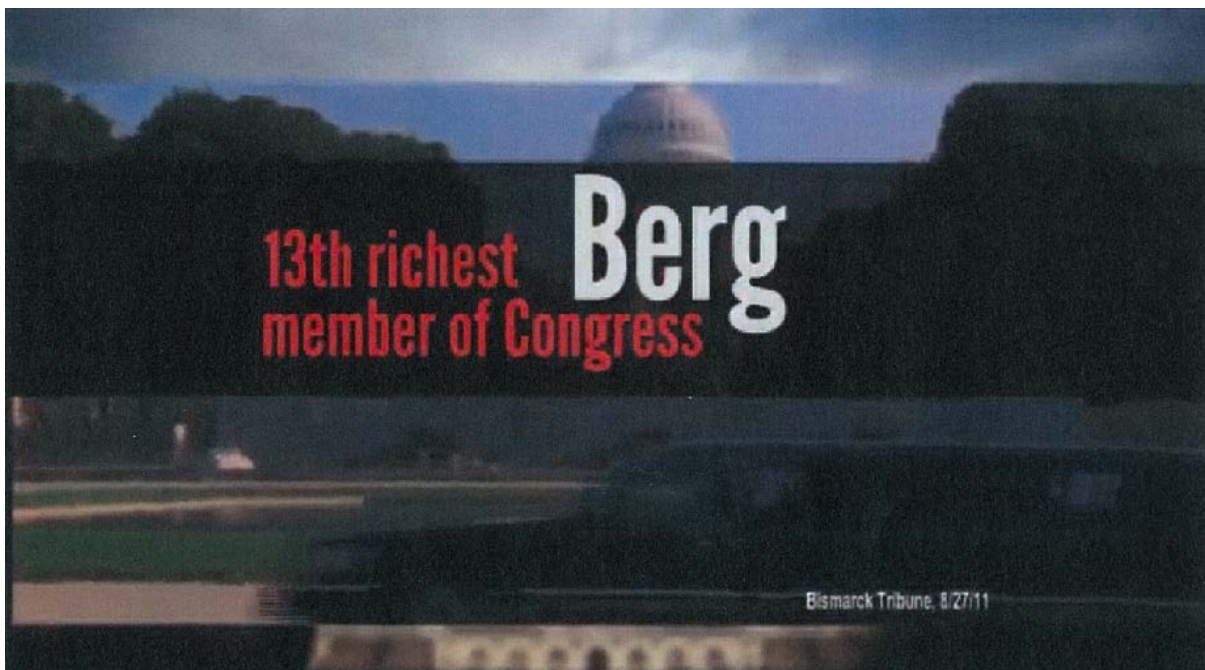
Above: A television advertisement from Democrat Senate-Candidate Heidi Heitkamp. Portrayed her literally hitting back against negative attacks, receiving national attention.

While at the presidential level there was an undoubted dedication to all methods of campaigning such as online, television, radio and print advertising, social media and direct mail communications, in North Dakota a focus on mail, television and grass roots methods including doorknocking, phone calls and community-level support such as the distribution of yard signs was central to both Republican and Democrat campaigns for the open Senate seat.

This contest between the former state legislator turned first-term Congressman Rick Berg (R) and a former State Attorney General Heidi Heitkamp (D) was particularly close due to the high familiarity of both candidates with the electorate and a significant swing to the Republicans in the preceding congressional campaign in 2010. There was a strong feeling that the contest would fall in favour of the Republican.

Two weeks from Election Day the campaign had drawn increasingly deeper into the personal record of the candidates.

Berg, a wealthy real estate entrepreneur from Fargo, was attacked by Democrats on the basis of wealth and perceived disconnect from the electorate, including through allegations of entitlements rorting. Heitkamp, a popular former Tax Commissioner, prominent cancer survivor and former Gubernatorial Candidate, was framed by the Republican campaign as being an anti-fracking, pro-environment candidate who would endanger the burgeoning oil sector and be a threat to state growth.



Above: A patriot Majority USA television advertisement sought to attack the Republican Senate Candidate, Congressman Rick Berg, for failing to connect with his constituency.

Third-party television advertising from SuperPACs such as American Crossroads (R) and Patriot Majority USA (D) played off against positive candidate ads. In fact, so overt and understood was this method of attack that Heitkamp cut an advertisement showing her in a batting cage to, literally, hit back at her critics.

While the positioning and angle of the attacks were not unique to the United States, it was the frequency of the ads that were noteworthy. This was similarly reflected in grassroots campaigning with the Republican campaign making an estimated 800,000 or more phone calls in the final weeks and both sides employing third party consultants to manage door-to-door campaigns across the state.

Conclusion

Politically, Democrat Heidi Heitkamp won the open Senate seat even through Republican Presidential candidate Mitt Romney won North Dakota with 57 per cent of the vote and local Republican candidates swept the rest of the state. Ultimately, it appeared the Heitkamp campaign utilised her best resource, her personality, and better read the electorate, delivering a more effective message.

Elsewhere, it was interesting to observe the issues driving the campaign were not dissimilar to those canvassed on a daily basis in Australian political life; managing the economy and supporting jobs while protecting the environment and delivering better services for the electorate were all key themes.

This was not altogether surprising given the economic circumstances of North Dakota and key issues which, to some extent, parallel those in growing Australian cities. Issues like population growth, congestion and the responsible management of a trade-exposed economy in a declining international economic environment.

The greatest and most interesting observations and key differences between Australian and United States politics were owing to the electoral and the cross-jurisdiction election campaign, these factors created a more intense campaign and appeared to force a broader campaign. Focus than that experienced locally.

HEIDI HEITKAMP
IS BACKED BY
THE LIBERAL
ENVIRONMENTAL
INTERESTS
THAT HAVE SUED TO
STOP HYDRAULIC
FRACTURING AND
HORIZONTAL DRILLING.

THEIR PLAN WOULD KILL
NORTH DAKOTA JOBS.

**NORTH DAKOTA
REPUBLICANS**

RICK BERG
U.S. Senate

KEVIN CRAMER
U.S. Congress

JACK DALRYMPLE
Governor

DREW WRIGLEY
Lt. Governor

RANDY CHRISTMANN
Public Service Commission

KIRSTEN BAESLER
Superintendent of
Public Instruction

**NORTH
DAKOTA
REPUBLICANS**

PAID FOR BY THE NORTH DAKOTA REPUBLICAN PARTY
ROBERT HARMS, TREASURER, NDDC0908

**VOTE REPUBLICAN.
VOTE TUESDAY, NOVEMBER 6TH.**

Above: The Republican campaign sought to position the Democrat Senate Candidate as an anti-fracking, pro-environment candidate with an agenda that would threaten state growth.

Right: A Republican flyer to promoting the Party's Congressional, Gubernatorial and downticket candidates.