

Equal Voter Amendment

Detailed Explanation of the Draft Text (Seven Sections)

This document explains the purpose and meaning of each section of the proposed Equal Voter Amendment (EVA). It is written for readers who are new to electoral reform and want a clear, practical explanation of what the amendment would do, why it is needed, and what it would change in real elections. The EVA is designed to be simple, non-partisan, transparent, and easy to implement: one voter, one equal vote; and winners who can show real majority support. The True Democracy Project's public principles emphasize majority rule (50% + 1), a single non-partisan ballot, automatic runoffs when needed, and equal voter power regardless of party affiliation.

What the EVA is trying to fix

Many U.S. elections are decided by plurality: whoever gets the most votes wins, even if that total is well under 50%. In crowded fields, this can produce “winners” opposed by most voters—simply because the majority split its vote among similar candidates. The result is not majority rule, even when the public believes they are living under majority rule. The EVA sets a constitutional standard that is easy to understand: if you want the job, you must earn support from most voters.

The draft EVA text used for this explainer

Section 1. Equal Weight of Votes

All eligible voters shall have their votes counted with equal weight in all public elections. No voting system, districting method, or electoral process shall be permitted to diminish, inflate, discard, or unequally weight any voter's participation in determining an outcome.

Section 2. Majority-Based Outcomes

In any election for public office, ballot measure, or public decision, the declared outcome shall reflect the choice that receives support from a true majority of participating voters, or from a majority as defined by law through a neutral, nonpartisan process designed to achieve majority consent.

Section 3. Permissible Voting Methods

States and political subdivisions may adopt any voting method that is transparent, nonpartisan, and verifiably designed to identify a majority-supported outcome, provided that such methods treat all voters equally and do not advantage or disadvantage any candidate, party, or group.

Section 4. Prohibited Practices

No election system shall be maintained or enacted if its primary effect is to routinely produce outcomes opposed by a majority of voters, to structurally entrench incumbency or party control, or to deny voters a meaningful opportunity to influence the final result.

Section 5. Administration and Enforcement

Congress and the states shall have concurrent power to enforce this article through appropriate legislation, including the establishment of standards for transparency, auditability, and voter confidence in election outcomes.

Section 6. Judicial Review

Claims arising under this article shall be justiciable. Courts shall give substantial weight to whether an electoral process, in practice, respects equal voter participation and yields majority-supported outcomes.

Section 7. Implementation

This article shall not require uniform election methods nationwide, nor shall it prohibit experimentation or innovation in voting systems, provided that the principles of equal voter treatment and majority consent are upheld.

Section 1 — Equal Weight of Votes

Plain meaning: Every eligible voter must have the same power in the election outcome. No one's vote should count more, and no one's vote should count less.

Why it's here: "One person, one vote" is widely accepted as a democratic baseline, yet in practice, several mechanisms can dilute voter power. District design can magnify some votes and shrink others; closed rules can exclude voters from the decisive stage; and certain systems can throw away meaningful influence by ending the contest before most voters converge on a majority-supported outcome. The EVA sets equal vote weight as a constitutional rule, not a preference.

What it does not do: It does not guarantee that every group will win proportional power. It is about the weight of each voter's participation in choosing a winner, not guaranteeing any ideology a result. It also does not tell states exactly which ballot design to use—Section 3 addresses that flexibility.

What it changes in practice: It forces policymakers to justify election rules using a simple question: "Does this treat each voter's participation equally in determining the final outcome?" If the answer is no, the rule must change.

Section 2 — Majority-Based Outcomes

Plain meaning: The winner (or the winning outcome on a measure) should be the one supported by a true majority—50% + 1—or by a neutral, majority-seeking process established by law.

Why it's here: This is the heart of the EVA and closely matches the project's published principle: "Every election must produce a true majority winner (50% + 1). If no candidate reaches a majority, an automatic runoff is held between top finishers." A majority threshold is not exotic—many democratic systems require it in high-stakes elections to ensure the winner can claim broad consent.

Majority does not mean unanimous: Majority rule is a minimum standard for democratic legitimacy, not a demand that everyone agree. It simply prevents a candidate from winning office over the objections of most voters in that electorate.

Why include "or by a majority as defined by law": Some elections need practical definitions—such as whether blank ballots count in the denominator, or how to handle ties and recounts. This phrase allows legislatures to set neutral technical definitions while preserving the majority principle.

Section 3 — Permissible Voting Methods

Plain meaning: States can choose the method—as long as it is transparent, nonpartisan, and actually designed to find the majority-supported outcome, with equal treatment for voters.

Why it's here: The EVA's goal is a constitutional standard, not a single product. Different jurisdictions have different election calendars, costs, ballot formats, and administrative capacity. This section allows flexibility so long as the methods meet the core requirement: majority consent with equal voter power.

How it fits the TDP approach: The project emphasizes that this is not ranked-choice voting and not proportional representation; it's a straightforward requirement that elections converge on a majority winner, often through a runoff if needed. Section 3 keeps that principle method-neutral while still allowing runoff-style solutions.

What “verifiably designed” means: This is about evidence. If a method claims it produces majority-supported outcomes, it should be auditable and its rules should be understandable to ordinary voters. If it fails in practice—routinely producing non-majority winners—it fails the test.

Section 4 — Prohibited Practices

Plain meaning: You cannot keep or create election rules whose practical effect is to (a) routinely produce non-majority winners, (b) entrench a party or incumbents, or (c) deny voters a meaningful chance to influence the final result.

Why it's here: Without a “no games” section, bad-faith actors can comply on paper while violating the spirit in practice. Section 4 is a guardrail: it tells courts and lawmakers to look at real-world outcomes and incentives, not just slogans.

How this relates to gerrymandering and closed primaries: The TDP principles explicitly call for ending gerrymandering and replacing closed partisan primaries with open, inclusive elections where all candidates share one ballot and every voter participates equally. Section 4 gives a constitutional hook for challenging systems that predictably lock in power by design.

What counts as “routinely produce”: No system is perfect. The point is pattern, not an isolated odd election. If a system frequently produces winners with 30–40% in crowded fields, it's hard to claim it respects majority consent.

Section 5 — Administration and Enforcement

Plain meaning: Congress and the states can write the rules needed to implement this amendment—together.

Why it's here: Most voting-rights amendments include an enforcement clause. It matters because elections are administered at state and local levels. This section allows national standards where appropriate (e.g., transparency and auditability) while still allowing states to administer elections.

What “auditability” and “voter confidence” imply: Any majority-seeking process must be trusted. That requires clear rules, public verification, and routine auditing. The EVA encourages standards that help voters believe the declared majority is real.

Section 6 — Judicial Review

Plain meaning: People can bring EVA cases to court, and courts must examine whether the process actually respects equal voter participation and majority outcomes.

Why it's here: Amendments without a clear path to judicial enforcement often become symbolic. Section 6 prevents the EVA from being treated as a purely political aspiration. It instructs courts to evaluate practical effects: does this system regularly deny majority outcomes or dilute equal voting power?

“Substantial weight” is intentional: Courts often hesitate to choose among competing policy designs. This language focuses them on measurable questions: equal voter treatment, transparency, and whether the method reliably identifies a majority-supported result.

Section 7 — Implementation

Plain meaning: The EVA sets a standard, not a one-size-fits-all national system. States can innovate, pilot, and improve methods—as long as they preserve equal vote power and majority consent.

Why it's here: Opponents often attack reform by claiming it would impose a single national voting method. Section 7 explicitly rejects that. It encourages experimentation while clearly stating the non-negotiables: equal voters and majority outcomes.

Practical result: Implementation can be phased. Jurisdictions can start by requiring runoffs for certain offices, then refine election calendars, ballot access, and nonpartisan ballot formats. The EVA is compatible with gradual adoption.

Historical precedents and international examples

Majority requirements are not a theoretical invention. Across the world, democracies use different tools to reach the same legitimacy standard: the winner should be able to claim broad support, not merely a narrow plurality. Below are examples relevant to the EVA's goal of majority-backed winners.

Two-round (runoff) elections

A common and easily understood approach is the two-round system: voters choose one candidate in Round 1; if no one wins an absolute majority, the top candidates advance to a second round. France uses a two-round system for its presidential elections: if no candidate earns over 50% in the first round, a second round is held and the winner must receive an absolute majority of votes cast.

Preferential systems that still aim for an absolute majority

Other democracies use preferential ballots to achieve majority results without a separate election day. Australia's federal House elections use preferential voting, and the process is designed to produce a winner with more than 50% after preferences are distributed.

The EVA draft is explicitly not a ranked-choice mandate; the point here is credibility: major democracies treat "majority-backed winner" as a normal requirement, and they use different administrative tools to achieve it.

Expected outcomes if the EVA standard is adopted

- Fewer minority-winner outcomes in crowded fields, because the process continues until a majority is reached.
- More incentives for broad appeal: candidates who want to win must build majority coalitions rather than targeting only a narrow base.
- Higher legitimacy after close or chaotic races: winners can point to an explicit majority threshold as the basis for the result.
- Reduced strategic vote pressure: voters are less likely to feel forced into "lesser of two evils" choices in the first round when a runoff exists.
- Clearer accountability: officials elected by a majority are harder to dismiss as accidental winners of a split field.

Common questions and misconceptions

Is this ranked-choice voting?

No. The project's EVA page explicitly states it is not ranked-choice voting. The core idea is simple: voters pick one candidate, and if no one earns 50% + 1, an automatic runoff continues until a majority winner is produced.

Does this help one party?

The EVA is written as a neutral standard. Majority rule can benefit or hurt any party depending on the race. The amendment targets a structural flaw: plurality rules that can elect a candidate opposed by most voters.

Won't runoffs cost more?

They can, which is why Section 3 allows flexibility in methods. Some places may prefer a second election day; others may prefer alternative majority-seeking procedures. The EVA's goal is the majority outcome, with transparency and equal voter power.

What about minority communities and voting rights protections?

The True Democracy Project's principles explicitly state that majority rule cannot come at the expense of communities protected by the Voting Rights Act, and that fair representation and equal vote power go hand in hand. Any implementation must preserve those protections.

References and further reading

- True Democracy Project — Equal Voter Amendment page (core principles; not RCV; majority winner and automatic runoff).
- True Democracy Project — Principles page (majority rule; open inclusive elections; end gerrymandering; nonpartisan reform).
- ACE Project — “Two-Round System” overview (absolute majority requirement and second round).
- French Ministry for Europe and Foreign Affairs — infographic explaining that if no candidate wins over 50%, a second round is organized (presidential election).
- Élysée (French Presidency) — overview of electing presidents under a two-round system by universal suffrage.
- Australian Electoral Commission — description of preferential voting in Australian federal elections.
- Parliament of Australia — statement that the preferential voting system is an absolute majority system (winner must obtain more than 50%).