

The Electoral College 101

The Framers of the Constitution worked diligently to establish an effective system for electing a president and vice president. The members of the Constitutional Convention were reluctant to allow a popular vote because information dissemination, in their time, was very limited. They rejected direct election of the president by Congress because it would give too much power to the federal government. Likewise, they felt that presidential elections held by the various state assemblies would result in each state nominating a “favorite son” and force elections to be decided in the House of Representatives. They eventually arrived at a compromise solution. The Constitution designates that a group of “enlightened and respectable citizens” from each state would assemble to elect the president.

The Framers determined that an **Electoral College** would elect the president and vice president. It would assemble every four years and would be comprised of representatives from each state. The Framers determined that the number of electors from each state would be equal to the number of senators and representatives from each state. The District of Columbia was given three electoral delegates, despite the fact that it does not have any representation in Congress. Each elector would cast votes for two separate candidates. The candidate with the highest vote total would be elected president, while the candidate with the second-highest total would be elected vice president. After the election of 1800, the Twelfth Amendment was added to the Constitution specifying that electors would cast distinct votes for president and vice president.

In 48 of the 50 states there is a **winner-take-all system** that awards all of the state’s electoral votes to the presidential candidate that receives the most popular votes. Even in a very close race, the candidate who receives the most popular votes within the state will receive every electoral vote, so up to 49 percent of the votes in a winner-take-all state do not “count.” Technically, voters elect a delegate from the candidate’s political party called an elector, not a candidate, but electors almost always follow the will of the people.

Maine and Nebraska are the only two states that do not use a winner-take-all system. In these states, the electoral votes are split based on a candidate’s statewide performance and his performance in each congressional district. The Maine and Nebraska state legislatures vote on how to apportion their electoral votes.

The electors meet in their respective state capitals approximately six weeks after the popular vote. There they cast their votes for the candidate selected in the general election. The total number of votes is tallied, and a president and vice president are announced. There are 538 electoral votes, so a winning candidate must receive at least 270 votes.

If no candidate receives 270 votes, the House of Representatives is tasked with electing a president. Each state’s House delegation can cast one vote for one of the top three vote getters in the general election. In only two instances, the 1800 and 1824 elections, was the House called on to elect the president.

The election of 2000 highlighted a serious problem with the Electoral College when Al Gore won the popular vote, but George Bush won the electoral vote and was elected president. Many Americans felt that the Electoral College usurped the will of the people. Another criticism of the Electoral College is that large states have too much influence, since they can cast more electoral

votes. Small states often feel ignored by candidates since they generally focus their campaigning on larger, more influential states.

Many people argue that the Electoral College system affects voter turnout in states that have a strong Republican or Democrat majority. For example, Republican voters in a staunchly Democratic state might not vote if they feel that their votes will have no effect on the outcome of the election. Another problem is that in some very small states voters have a disproportionately large influence due to the three electoral vote minimum. Any change to the Electoral College would require a **constitutional amendment** proposed by a two-thirds majority in the Senate and the House of Representatives and ratified by three-fourths of the state legislatures or three-fourths of the state amendment conventions.

While some oppose the Electoral College system, it offers many unique benefits, as well. Even in close elections it is relatively easy to determine a winner. Despite the notoriety of the 2000 election, recounts and disputed elections are uncommon. The Electoral College also allows a president to receive a mandate from the people, as every president must receive a majority of electoral votes to be elected. Another advantage of the Electoral College is that it maintains a two-party system. If an election was determined by popular vote, there would likely be several candidates and voters would have a difficult time identifying their preferred candidate. In an election with multiple candidates, the winner would be unlikely to receive a majority of votes.