

UTAH FOUNDATION

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The Electoral College: An Historical Overview

Highlights

- Since the presidential election of 7 November 2000 the nation has focused on the events in Florida regarding the counting and recounting of the election ballots. The outcome of the presidential election hangs in the balance. However, it is not because the tally of the Florida vote will make the difference in the overall outcome of the popular vote. Florida is the focal point because the United States elects its presidents by the Electoral College.
- When Americans vote for president, they are really voting for a set of electors who are pledged to support a certain candidate. When a presidential candidate wins the popular vote in a state, the electors pledged to that presidential candidate are chosen to vote in the Electoral College. The number of electoral votes allotted to each state is equal to the number of members each has in Congress. There are 538 total electoral votes and the constitution requires that a candidate win the majority, 270, in order to win the election.
- This unique method of electing the president has four main criticisms.
 1. It provides for the election of a minority president.
 2. It allows for "faithless" electors.
 3. It discourages voter turnout.
 4. It fails to accurately reflect the national popular will.
- Despite these criticisms, the system has not been repealed because it requires a 2/3 vote in the Senate and approval of 3/4 of the states. The Senate, which represents the states equally, is very unlikely to pass an amendment. This is because the less populous states would be unwilling to support an amendment which reduces their influence in the outcome of the presidency. Neither would 3/4 of the states support the amendment because again, the less populous states would oppose weakening their political power.
- Proponents of the Electoral College state that it is unfairly criticized and defend it on four philosophical grounds.
 1. The Electoral College contributes to the cohesiveness of the country by requiring a distribution of popular support to be elected president,
 2. enhances the status of minority interests,
 3. contributes to the political stability of the nation by encouraging a two-party system,
 4. and maintains a federal system of government.
 - The main alternative to the present Electoral College is a direct popular vote. The chief argument for such a process is the concept of **one person one vote**. A second alternative would be to assign electors on a proportional basis rather than "winner take all."
 - Before discarding the Electoral College, it is well to consider what a direct popular election might look like. First, the large states would be even more dominant. Second, interest groups would be more influential. Third, it may improve the prospects of Democrats. Fourth, candidates from the very populous states would have a distinct advantage. Fifth, minority party candidates would proliferate. Sixth, ad campaigns would focus on a handful of large media centers. Seventh, with every vote equal, losers in a close race would demand a nationwide recount.
 - The best argument for a direct popular vote is that it would truly make America's presidential election a one person one vote process. To advocates this is argument enough. However, the one person one vote concept, though more democratic, does have consequences that significantly change the political landscape to the advantage of some and disadvantage of others.
 - Though criticized as undemocratic, history shows that in only two elections since the creation of the current two-party system has the Electoral College failed to give the election to the candidate with the most popular votes. The election of 2000 being the second. Once again calls to abolish the Electoral College are being heard. As this is debated, the dialog must include how different elections would be in the United States if a direct popular election replaced the 200 year old Electoral College system.

UTAH FOUNDATION is a private, nonprofit public service agency established to study and encourage the study of state and local government in Utah, and the relation of taxes and public expenditures to the Utah economy.

The Electoral College: An Historical Overview

Since the presidential election of 7 November 2000 the nation has been focused in on the events in Florida regarding the counting and recounting of the election ballots. The reason for the keen interest is that the outcome of the presidential election hangs in the balance. However, it is not because the tally of the Florida vote will make the difference in the overall outcome of the popular vote -- for it is clear that regardless of the recount in Florida, Vice president Al Gore has won the popular vote. Florida is the focal point because the United States does not elect its president by popular vote, but by the Electoral College. This unique system of electing the president is generally not understood. Given this historic election and the increased attention paid to the Electoral College, Utah Foundation thought it might be helpful to look at this system of electing our presidents in historical perspective and see how it works today.

Origins of the Electoral College

In order to understand the Electoral College, it is necessary to understand the historical setting in which the Constitution of the United States was written. In the summer of 1787, 55 men from 12 of the 13 states met in the city of Philadelphia to address solutions to the obvious weaknesses that existed in the Articles of Confederation, which governed the nation at the time. The Articles had proven to be inept, to say the least. The Articles suffered from four main weaknesses: 1) they did not give the national government the power to tax; 2) they did not provide for a chief executive; 3) they did not give the national government the power to regulate foreign or interstate commerce; 4) they could not be amended without unanimous approval of the 13 states.

The representatives at the Philadelphia Convention needed to resolve two issues. First, what additional powers did the national government need to maintain order? Second, who is to wield the additional power? Of the two, the second issue had to be addressed first. No representative at the convention was interested in giving additional power to the national government until he knew who was going to wield that power. Therefore, the issue of representation in the

national government became the focal point.

James Madison, from Virginia proposed his Virginia Plan which created a national government with a bicameral legislature. Representation in the lower house would be based on population - the more populous the state the more representatives it would have. The upper house would be elected by the lower house. Madison believed that equal representation meant equal representation for each individual citizen. It did not hurt him that his home state of Virginia, a large state, benefitted from his concept of equal representation.

Some smaller states, and even some large ones, opposed this form of representation. Small states understood clearly that the proposal benefitted the more populous states and disadvantaged the less populous ones. Some large states, like New York, opposed it because their delegates believed that equal representation meant equal representation of the states, not the people.

As a counter proposal, the small states offered the New Jersey Plan. This plan proposed a unicameral congress with equal representation among the states. These delegates argued that the states were existing governments that should be treated equally in the new government. If not treated equally, these states suggested that they might very well walk away from the convention.

The delegates resolved this conflict with what has come to be called the Connecticut Compromise. Congress would be bicameral with representation in the lower house based on population while the upper house provided for equal representation of the states. In other words, the lower house provided for equal representation of the people while the upper house provided for equal representation of the states.

How to elect the president of the United States was another major obstacle the convention had to overcome. Some delegates argued for the selection of the president by congress. Others wanted the president selected by direct popular vote. Those that preferred congressional selection of the president argued that the people "would be utterly unqualified to judge the merits of candidates from states other than

their own.”¹ Proponents of direct election argued that “selection by congress would invite intrigues which were generally undesirable and would almost certainly limit the President’s independence.”²

The delegates solved the differences with a compromise. They created what is known to us as the Electoral College, two words that don’t even appear in the Constitution. What is written in the Constitution is the right of each state to “appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress...” These electors are to vote, “in their respective states” for the president. The candidate that receives the majority of the electoral votes becomes the president. This creative solution allowed for the people to vote for the president indirectly; but allowed for the electors to cast the ballot that actually elects the president. The compromise proved satisfactory to the delegates who approved the Constitution on September 17, 1787 and sent it to the states for ratification.

Key Elements of Electoral College

The key elements of the Electoral College were initially as follows:

1. The manner of choosing the electors was left to the individual state legislatures³.
2. Each state’s electors were required to meet in their respective states and cast their ballots for president. These votes were to be sealed and transmitted to the President of the Senate who would then open and count them before both houses of Congress.

¹ Graebner, Norman, et.al., *A History of the American People*, (McGraw Hill, 1970) p216.

² Ibid.

³ It is interesting to note that nowhere in the Constitution is there any mention of a popular vote to direct the electors. The constitution simply mentions that the President of the United States is elected by the majority vote of the electors of the several states. And as mentioned above, the electors are appointed “in such manner as the legislature thereof may direct.”

3. Electors were required to cast two votes for president, one vote of which could not be cast for someone from his home state. The purpose here was to prevent each state voting for their “favorite son” and thus preventing any one candidate from getting a majority of the electoral vote.
4. The candidate receiving the majority of the electoral vote became president. Whoever received the next highest vote count became vice-president.
5. In the event that no candidate received a majority of the electoral vote, the election would be thrown into the House of Representatives which would choose from the five candidates receiving the most votes. Each state would have one vote and the candidate receiving the most votes became president. The vice president would be the candidate that came in second in the House vote. In the event the House vote ended in a tie, the Senate would choose the vice-president.⁴

In 1804, the 12th amendment to the Constitution changed the way the Electoral College operated. The amendment proved necessary to prevent another crisis resulting from the election of 1800. By this election, political parties had developed, something unanticipated by the Framers of the Constitution. The creation of parties threw a new wrinkle into the electoral process. In the election, Thomas Jefferson, a Democratic-Republican, challenged John Adams, a Federalist and the incumbent. The Democratic-Republican Party won handily. In fact, they were so popular that Jefferson and his vice-presidential candidate tied for the most electoral votes. Adams came in third.

The Constitution, as stated, sent the election to the House of Representatives where an ambitious and opportunistic Aaron Burr chose to fight Jefferson for the presidency. Only after 36 ballots could the House elect Jefferson. The 12th amendment, ratified in 1804, prevented an event like this from happening again. It requires that electors vote for president and vice

⁴ U.S. Constitution, article II, section 1.

president separately.⁵

Criticisms of the Electoral College

Over the years of its operation, the Electoral College has received numerous criticisms. Opponents offer four main criticisms which are listed and then discussed below.⁶ Criticisms two and four are being heard today as a result of the 2000 election with Gore receiving the plurality of the popular vote and Bush winning in the Electoral College.

1. It provides for the election of a minority president.
2. It allows for “faithless” Electors.
3. It discourages voter turnout.
4. It fails to accurately reflect the national popular will.

A Minority President

It is possible to elect a minority president. Such a situation could happen if the nation is divided among three or more candidates so that no one person could obtain either a majority of the popular vote or the electoral vote. This first happened in the 1824 election. It was attempted in the 1948 and 1968 elections as well. A second way a minority president could be elected and has been elected is if one candidate gets the majority of the popular vote but the second candidate receives the majority of the electoral vote. This happened in 1876 and 1888. A third way is for a third party candidate to receive enough popular votes to deny anyone the majority of the popular vote though one candidate still gets the majority of the electoral vote. This situation has actually happened numerous times. It happened as early as the election of Abraham Lincoln in 1860. It occurred in 1992 and 1996 with the elections of Bill Clinton, and it happened in the election of 2000. Al Gore received the plurality of the popular vote,

⁵ Another, though less important change made by the 12th amendment, was that it reduced the number of names that could be sent to the House of Representatives to be considered for president if no one person received an electoral majority. The number was reduced from five to three.

⁶“The Electoral College,” William C. Kimberling, Deputy Director Federal Elections Commission, Office of Election Administration, (Found on FEC website).

George Bush came in second but was able to receive the majority of the electoral votes.⁷ Ralph Nadar was able to garner enough votes to deny either candidate the majority of the popular vote.

Nadar played an important role in the outcome of the electoral vote as well. It appears that Nadar, whose supporters would have most likely voted for Gore, prevented Gore from winning Florida and garnering the majority of the electoral vote.

Faithless Electors

A faithless elector is one who is pledged to his party’s candidate but instead votes for another. Though rare, electors have broken ranks and voted for presidential candidates they were not pledged to. In this century there have been seven such faithless electors, the last one occurring in the 1988 election when one elector from West Virginia pledged to Michael Dukakis voted for his vice presidential candidate Lloyd Bentsen. However, never have faithless electors changed the outcome of the presidential elections. In Utah, this possibility is prevented by state statute as it is in many states.⁸

Depresses Voter Turnout

Opponents make two arguments regarding this issue. First, they argue that since each state’s electoral votes are set, there is no incentive to encourage voter turnout. Regardless of whether the turnout is 40 percent or 60 percent, the electoral vote remains the same. Second, they also argue that if a state consistently votes for one party, voters who favor the

⁷ On November 26, Florida’s Secretary of State certified the vote count and announced George Bush the winner. As a result, he will get the state’s 25 electoral votes. However, Al Gore and the Democrats filed several law suits to overturn this certification.

⁸ In Utah, each political party chooses electors and the electors of the political party whose presidential candidate receives the most votes, vote in the Electoral College. State statute then states this about electors, “Any elector who casts an electoral ballot, for a person not nominated by the party which he is an elector, ... is considered to have resigned from the office of elector, his vote may not be recorded, and the remaining electors shall appoint another person to fill the vacancy. Utah Code Annotated 20A-13-304.

other party have no incentive to vote because their vote does not count in a winner-take-all format.

Failure to Reflect the Popular Will

The distribution of the electoral votes over represents the people of less populous states. This happens because each state's electoral vote is determined by the number of members of congress. The fact that the Senate provides for equal representation (two Senators per state) means that the states with smaller populations actually have greater influence in the Electoral College than their citizens would in a direct popular vote. Such a system which allows for some people's vote to count more than another person's is a direct violation of a principle of democracy -- one person one vote. A second way the Electoral College fails to reflect the popular will is with the use of the winner-take-all system. As numerous elections show, the popular vote can be very close but because of the winner-take-all nature of Electoral College representation, the electoral vote shows a much bigger victory than the popular vote.

In the 1968 election, Richard Nixon defeated Hubert Humphrey by an electoral count of 301 to 191. George Wallace came in third with 46 electoral votes. However in the popular vote, Nixon defeated Humphrey by a razor thin margin of 43.4 percent to 42.7 percent, with Wallace getting 13.5 percent.

The winner-take-all system also significantly hinders the ability of a third party or independent candidate to become viable. In the 1992 election, Ross Perot received 19 percent of the popular vote but no electoral votes because he carried no state. This issue, argue opponents of the Electoral College, almost eliminates the possibility of the creation of a third party in the United States and virtually guarantees the monopoly status of the two major parties.

Repealing the Electoral College

If there were sufficient interest in repealing the Electoral College, how can it be done? The Electoral College is part of the U.S. Constitution, so repealing it would require amending the Constitution. There are two ways to do that. First, both houses of congress must pass by a 2/3 vote a resolution proposing the

amendment that would repeal the Electoral College and replace it with some other election process like a direct popular election. This resolution must then be submitted to the 50 states of which 3/4 must approve. Second, 2/3 of the legislatures of the states can call a convention for proposing the amendment. If passed by the convention, the amendment must still be approved by 3/4 of the states.

The reason that the Electoral College has not been repealed is that either of these processes requires support of the Senate and 3/4 of the states. The Senate, which represents the states equally, has not passed such an amendment because the less populous states have always been unwilling to support such an amendment which reduces their influence in the outcome of the presidency. Neither would 3/4 of the states support such an amendment. Again, for the same reason as the Senate, the less populous states are unlikely to agree to such a weakening of their political power.

Table 1 and **Figure 1** demonstrate how the smaller states benefit from the current Electoral College in terms of voting power as determined by the number of potential voters per elector in each state. Florida has the most potential voters per elector and Wyoming the fewest. Forty states and the District of Columbia have a higher voting power than 1.15. Only those states with a voting power less than 1.15 do not benefit from the Electoral College.

These ten states, Florida, Texas, California, Georgia, Arizona, New York, New Jersey, North Carolina, Michigan and Illinois have 50 percent of the potential voters in the country but only 44 percent of the total Electoral College vote. The thirty-eight states and the District of Columbia shown in **Figure 1** with a voting power of 1.18 or greater (beginning with Pennsylvania) have 43 percent of the potential voters and 50 percent of the Electoral College vote. Utah is one of these states. This illustrates how difficult it would be to get enough votes to eliminate the Electoral College.

In Defense of the Electoral College

Proponents of the Electoral College defend it on

Table 1
Electoral Voting Power of the Potential* Voters in the
50 States and the District of Columbia

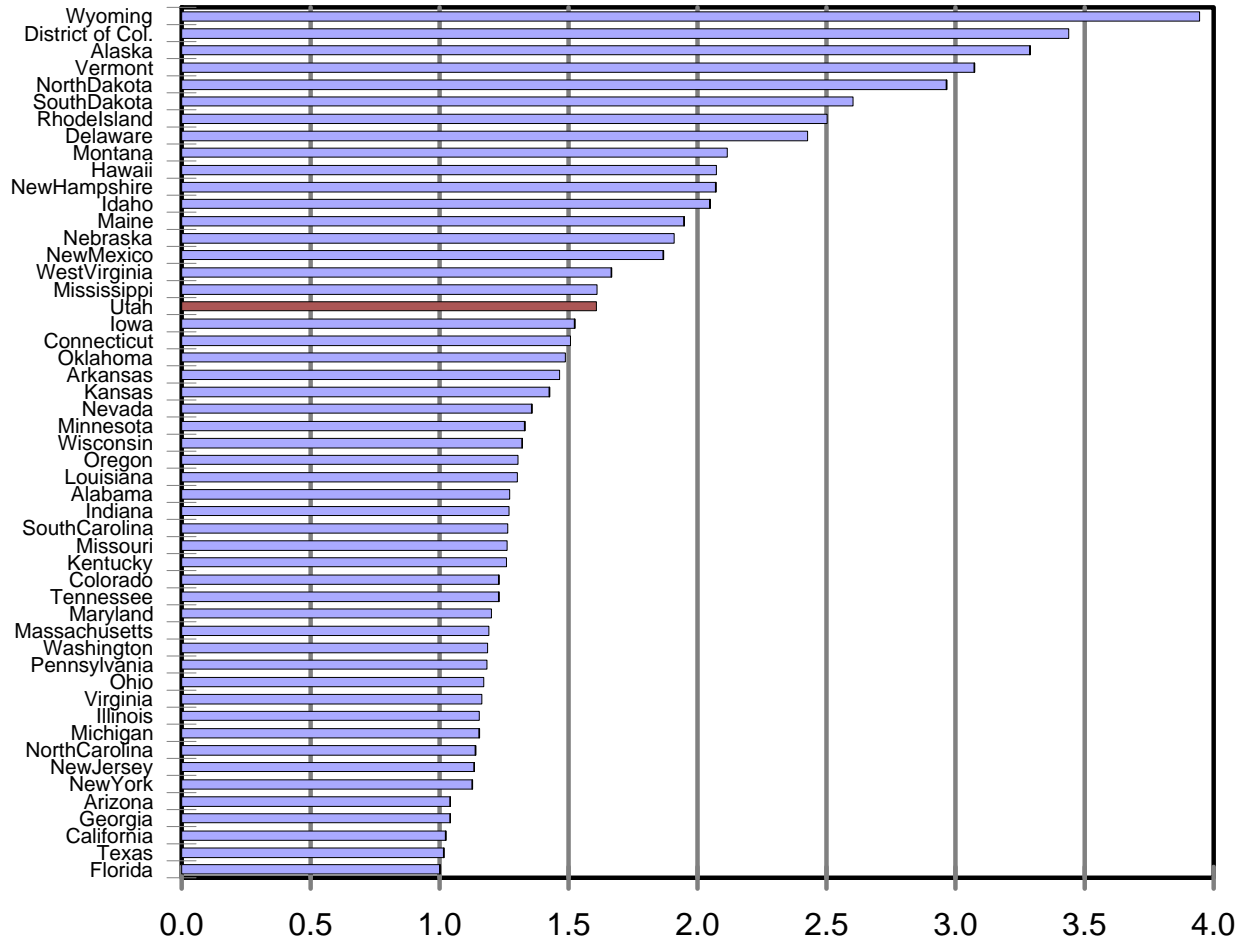
	Voting Age Population (thousands)	% of Total	Electoral Votes	% of Total	Voting Age Pop. per Elector (thousands)	Electoral Power Rating**	Rank
United States	205,814		538		383	1.23	
Alabama	3,333	1.62%	9	1.67%	370	1.27	29
Alaska	430	0.21%	3	0.56%	143	3.29	3
Arizona	3,625	1.76%	8	1.49%	453	1.04	47
Arkansas	1,929	0.94%	6	1.12%	322	1.46	22
California	24,873	12.09%	54	10.04%	461	1.02	49
Colorado	3,067	1.49%	8	1.49%	383	1.23	34
Connecticut	2,499	1.21%	8	1.49%	312	1.51	20
Delaware	582	0.28%	3	0.56%	194	2.43	8
District of Col.	411	0.20%	3	0.56%	137	3.44	2
Florida	11,774	5.72%	25	4.65%	471	1.00	51
Georgia	5,893	2.86%	13	2.42%	453	1.04	48
Hawaii	909	0.44%	4	0.74%	227	2.07	10
Idaho	921	0.45%	4	0.74%	230	2.05	12
Illinois	8,983	4.36%	22	4.09%	408	1.15	42
Indiana	4,448	2.16%	12	2.23%	371	1.27	30
Iowa	2,165	1.05%	7	1.30%	309	1.52	19
Kansas	1,983	0.96%	6	1.12%	331	1.42	23
Kentucky	2,993	1.45%	8	1.49%	374	1.26	33
Louisiana	3,255	1.58%	9	1.67%	362	1.30	28
Maine	968	0.47%	4	0.74%	242	1.95	13
Maryland	3,925	1.91%	10	1.86%	393	1.20	36
Massachusetts	4,749	2.31%	12	2.23%	396	1.19	37
Michigan	7,358	3.58%	18	3.35%	409	1.15	43
Minnesota	3,547	1.72%	10	1.86%	355	1.33	25
Mississippi	2,047	0.99%	7	1.30%	292	1.61	17
Missouri	4,105	1.99%	11	2.04%	373	1.26	32
Montana	668	0.32%	3	0.56%	223	2.12	9
Nebraska	1,234	0.60%	5	0.93%	247	1.91	14
Nevada	1,390	0.68%	4	0.74%	348	1.36	24
New Hampshire	911	0.44%	4	0.74%	228	2.07	11
New Jersey	6,245	3.03%	15	2.79%	416	1.13	45
New Mexico	1,263	0.61%	5	0.93%	253	1.86	15
New York	13,805	6.71%	33	6.13%	418	1.13	46
North Carolina	5,797	2.82%	14	2.60%	414	1.14	44
North Dakota	477	0.23%	3	0.56%	159	2.96	5
Ohio	8,433	4.10%	21	3.90%	402	1.17	40
Oklahoma	2,531	1.23%	8	1.49%	316	1.49	21
Oregon	2,530	1.23%	7	1.30%	361	1.30	27
Pennsylvania	9,155	4.45%	23	4.28%	398	1.18	39
Rhode Island	753	0.37%	4	0.74%	188	2.50	7
South Carolina	2,977	1.45%	8	1.49%	372	1.27	31
South Dakota	543	0.26%	3	0.56%	181	2.60	6
Tennessee	4,221	2.05%	11	2.04%	384	1.23	35
Texas	14,850	7.22%	32	5.95%	464	1.01	50
Utah	1,465	0.71%	5	0.93%	293	1.61	18
Vermont	460	0.22%	3	0.56%	153	3.07	4
Virginia	5,263	2.56%	13	2.42%	405	1.16	41
Washington	4,368	2.12%	11	2.04%	397	1.19	38
West Virginia	1,416	0.69%	5	0.93%	283	1.66	16
Wisconsin	3,930	1.91%	11	2.04%	357	1.32	26
Wyoming	358	0.17%	3	0.56%	119	3.95	1

*The Census Bureau includes in these estimates residents of voting age who may not be eligible to vote such as non-citizens. Projections do not include citizens living overseas who may vote.

** Florida has the highest number, 471 (in thousands) of voting age population per elector. This column is the ratio of potential voters in Florida compared with each of the other states. In other words this column shows that each potential Florida voter has an electoral power of 1 but each potential Wyoming voter has an electoral power of 3.95 (471 divided by 119) because Wyoming has the fewest potential voters per elector. Voters in Wyoming have 3.95 times the electoral college power than do voters in Florida relative to their numbers.

Source: U.S. Census Bureau

Figure 1
Electoral Voting Power* of the Potential Voters in the**
50 States and the District of Columbia



*Florida has the highest number, 471 (in thousands) of voting age population per elector. This column is the ratio of potential voters in Florida compared with each of the other states. In other words this column shows that each potential Florida voter has an electoral power of 1 but each potential Wyoming voter has an electoral power of 3.95 (471 divided by 119) because Wyoming has the fewest potential voters per elector. Voters in Wyoming have 3.95 times the electoral college power than do voters in Florida relative to their numbers (see Table 1).

**The Census Bureau includes in these estimates residents of voting age who may not be eligible to vote such as non-citizens. Projections do not include citizens living overseas who may vote.

four philosophical grounds.⁹ The college

1. contributes to the cohesiveness of the country by requiring a distribution of popular support to be elected president,
2. enhances the status of minority interests,
3. contributes to the political stability of the nation by encouraging a two-party system, and
4. maintains a federal system of government and representation.

Contributes to the cohesiveness of the country by requiring a distribution of popular support to be elected president

Without such a mechanism as the Electoral College, presidents would be elected either by the large metropolitan areas of the nation or the more populous regions of the country. Such a system would leave the less populous states with no significant input in the election. The Electoral College requires presidential candidates to pay more attention to regional interests in order to gain the support of each region and therefore that region's electoral votes. As a result, there is great incentive for presidential candidates to put together a coalition of regional interests in order to win the electoral vote. A good example of this regional influence is that the presidential candidate usually picks a vice presidential running mate from a different region of the country in order to help gain the vote for that region. America's great regional diversity is therefore pulled together rather than divided or ignored.

Enhances the status of minority interests

Proponents argue that the Electoral College actually encourages minority participation in presidential elections. They argue that strong turnout of even small minorities can determine the winner in the Electoral College and therefore candidates must address the concerns of these minorities. The impact of minorities concentrated in regions is even more powerful. Blacks, who are still generally concentrated in the South, have a large impact on that region where, with only 13 percent of the population nationally, they

would not have such influence. The fact that black organizations work so hard to get the vote out is evidence that their influence in the states where they are more concentrated is substantial. Labor unions are another example. Though organized labor only accounts for about 13 percent of the workforce nationally, they are a much bigger percent in such industrial states as Michigan. Presidential candidates ignore labor in such states at their peril.

Contributes to the political stability of the nation by encouraging a two-party system

The existence of the Electoral College contributes to political stability by encouraging a two-party system rather than a multiple party system common in many other countries. This happens because to win the presidency one must win in the Electoral College. To win any votes in the Electoral College, a candidate must obtain at least the plurality of a state's popular vote. Thus third parties are discouraged because it is so difficult for new or minor parties to compete against the two established parties.

When a third party has ideas that are of sufficient interest to the public, their ideas and issues are generally adopted by one of the two major parties. The major parties have great incentive to do this because it allows them to add voters interested in this issue to their coalition. These voters also have an incentive to go with one of the major parties because it is usually the only way their vote influences the outcome. Only in a few presidential elections have third parties influenced the outcome.¹⁰

By contrast many historians and political scientists believe that a direct popular vote would have the opposite effect. In a direct popular election there would be great incentive for minor parties to get involved with the hope of eventually gaining a plurality of the vote. With three equally strong candidates, someone could win with just 34 percent of the vote.

¹⁰ The election of 2000 may be one of those exceptions. It seems that if Ralph Nadar's Green Party had not been in the race, Gore would have won the popular vote in Florida by a sufficient amount that no recounts would have been needed and with the Florida electoral vote in his camp he would have won the election. Third parties probably influenced the outcome in only two other 20th century elections: 1992 and 1968.

⁹ Ibid.

In a multi-party system it is likely that no candidate could gain a majority of the popular vote. A president would often govern from a position of being opposed by a majority of the voters. With the Electoral College, to win the presidential election, one candidate must win a majority of the Electoral College.

Maintains a Federal System of Government and Representation

The Electoral College maintains and represents what was intended by the Founding Fathers, that is a federal governmental system. A federal system recognizes both the people and the states. The House of Representatives was designed to represent the states based upon population while the Senate represented the states equally. The Electoral College was designed to represent each state's choice for president by giving to each state electors equal to the number of representatives it has in the House and Senate. To switch to a popular vote for president would change what the Founding Fathers worked to create, a federal system where the will of the people was reflected not by a nationwide popular vote but by the will of the people state by state.

If the Electoral College is to be criticized for not being sufficiently democratic, should not the Senate be equally criticized? How democratic is it if a Senator from Utah who represents two million people has equal say in the Senate chambers with a Senator from California who represents 33 million people? This equal representation for each state is one of the cornerstones of our federal system which is reflected in the Electoral College.

Consequences of Direct Popular Vote

The alternative to the Electoral College as a means of electing the president is a direct popular vote. The main argument for such a process is the concept of **one person one vote**. This is a fundamental tenet of democracy in many people's minds. In other words, in a democracy one person's vote should not count any more or less than any other person's vote. In the Electoral College system, this inequality is exactly what happens. A voter in Utah (that is if the voter votes for the winning candidate in that state) has a

bigger influence on the outcome of the election than a voter in California. To many this is not democratic.

Before discarding the Electoral College, however, it might be well to see what a direct popular election might look like. *Business Week* discussed this in a recent edition.¹¹ They highlighted seven consequences that would likely result from a direct popular election.

First, **Megastates Rule**. They point out that under this new electoral system "campaigns would no longer have the remotest interest in respecting state boundaries." Instead campaigns would focus on the large urban areas of the nation, "where candidates could get the most bang for their buck." This could reduce the election to as few as 10 major media markets. The largest market surrounds the Great Lakes where 26.2 million live, the second largest would center around New York City but include western Connecticut and northern New Jersey, home to 19.9 million people. The third largest would be southern California with a population of 18.1 million, the fourth area is southern and eastern Texas with a population of 12.3 million. Other important regions would be the mid-Atlantic states around the Chesapeake Bay area, the I-85 corridor from Atlanta on the south to Raleigh, North Carolina, northern (Bay Area) California, the small stretch of land from Portland to Seattle, and lastly, Florida. These areas account for 135 million people or about half of the U.S. population. "But they would cover no more than 10% of the land mass. The vast interior would be excluded, from the western half of Virginia down to the Gulf Coast and across the Midwest into the Mountain States."

Second, **Interest Group Politics on Steroids**. With voter turnout being the most important factor of the direct popular vote, candidates would seek even more aggressively than they do now interest groups who have the ability to reach out to their members and get them to the polls. Anti-abortionists, religious conservatives, gun-rights advocates, environmentalists, all would be courted in the name of turnout. "The pricetag:" states the article, "special-interest groups with more power than they have today because of the ability to reach across state lines and mobilize

¹¹ *Business Week*, November 27, 2000, p. 48-49.

members to vote en masse; further balkanization and division in the country; and a plethora of side-deals not necessarily good for the electorate at large.”

Third, *Dems Get an Edge*. The new electoral process would favor Democratic candidates, “whose strength is in and around big urban cores with heavy concentrations of racial, ethnic, and religious minorities, . . . , and unreconstructed liberals.” Fourth, *Home-State Heroes*. Because of the need to start out with as large a voting bloc as possible, candidates from the very populous states would have a distinct, almost overwhelming advantage. “Forget about Arkansas and Tennessee. Candidates from California, New York and Texas would dominate.” Fifth, *Fragmentation*. “Minority party candidates would also proliferate, since the prospect of each candidate getting an assured slice of the vote -- which they could parlay into a voice in a future coalition Cabinet -- would be magnet to fringe parties.”

Sixth, *The Thermo-Nuclear Ad Strategy*. With campaigns focusing on a handful of states, ad strategies would be different. “While today’s campaigns eschew buying national ads on network or even cable television in favor of targeted media buys, the candidate chasing popular votes would have to concoct expensive regional campaigns that cut across multiple media markets. Says former campaign manager Tony Coehlo: ‘You’d go for the big kill with a big media budget.’” Seventh, *Endless Recounts*. With the current controversy in Florida, this consequence of a direct popular vote seems less of an issue. But what happened in Florida is a unique event which is generally prevented from happening in extremely close elections because of the Electoral College. The Electoral College discourages recounts by counting each state’s vote separately. “But in a popular election, where every vote would be equal, losers in a close race would demand a nationwide recount.” In other words, in close elections, what happened in Florida may be necessary in every county in America.

In summary, the best argument for a direct popular vote is that it would truly make America’s presidential election a one person one vote process. To advocates of pure democracy, this is argument enough. However, the one person one vote concept, though

more democratic, does have consequences that significantly change the political landscape to the advantage of some and disadvantage of others. According to *Business Week*, the winners are: interest groups, labor unions, minor parties, and large ethnic groups. The losers are: farmers and ranchers, rural voters, small states and swing voters.

Proportional Assignment of Electors

One other alternative would be to maintain the number of electors but eliminate the winner take all system and assign electors from each state proportionally according to the outcome of the popular vote in the state. For instance if candidates A, B and C, received 45, 35, and 20 percent of the popular vote in a state they would receive 45, 35 and 20 percent of that state’s total electoral vote. A state like Utah with five electoral votes would have its vote divided 2.25 (45%), 1.75 (35%), and 1 (20%). This solution would require multiple ballots of the electors to come to a majority vote but would retain some of the benefits of the electoral system the founders desired, namely each state having influence (electors) equal to its representation in Congress.

Electoral College and Presidential Elections

This solution would also eliminate the most significant criticism of the Electoral College, that it can give the presidency to a candidate who did not receive the majority or at least the plurality of the popular vote. However, under the current system, this possibility has happened in only three U.S. elections. Each is discussed below and summarized in **Table 2**.

Election of 1824

Of the two major political parties that had vied for power in previous elections, only one, the Democratic-Republican Party, was a national party by the election of 1824. Yet the party was unable to control the election process through the traditional way of party caucuses. Instead, four Democratic-Republicans vied for the office: John Quincy Adams, Andrew Jackson, William Crawford, and Henry Clay. In the election, Jackson received the plurality of both the popular and electoral vote, Adams came in second

Table 2
Presidential Elections and the Electoral College

Year	Candidates	Parties	Electoral Vote	Popular Vote	Percent of popular Vote
1824	John Quincy Adams*	Democratic-Republican	84	108,740	30.54%
	Andrew Jackson	Democratic-Republican	99	153,544	43.13%
	William Crawford	Democratic-Republican	41	46,618	13.09%
	Henry Clay	Democratic-Republican	37	47,136	13.24%
				356,038	100.00%
1876	Rutherford B. Hayes	Republican	185	4,034,311	48.03%
	Samuel J. Tilden	Democratic-Republican	184	4,288,546	51.06%
	Peter Cooper	Greenback		75,973	0.90%
				8,398,830	100.00%
1888	Benjamin Harrison	Republican	233	5,477,129	48.00%
	Grover Cleveland	Democratic	168	5,537,857	48.53%
	Clinton B. Fisk	Prohibition		249,506	2.19%
	Anson J. Streeter	Union Labor		146,935	1.29%
				11,411,427	100.00%
<p>Bolded name became president * Decided in the House of Representatives Source: Paul Boyer, et.al., <i>The Enduring Vision: A History of the American People</i>, Appendix P. 29-31.</p>					

in both cases. Crawford came in third in the electoral vote and fourth in the popular vote and Clay came in fourth in the electoral vote and third in the popular vote. With no electoral majority the election went to the House of Representatives where John Quincy Adams won among the top three candidates. His low support in the popular vote acted like a shadow over his presidency which lasted only one term.

Election of 1876

In this election, Republicans nominated Rutherford B. Hayes, three term governor of Ohio. The Democrats nominated Samuel J. Tilden, governor of New York. The initial results showed that Tilden had won. He received 4,288,546 votes or 51 percent and 184 electoral votes. Hayes received 4,034,311 or 48 percent of the popular vote and 165 electoral votes. However, Republicans challenged the vote counts in three states: South Carolina, Florida, and Louisiana. Interestingly, Republicans controlled the legislatures in these three states and “threw out enough Democratic

ballots to declare Hayes the winner.”¹² The nation now had two counts of the election in these three states. Congress had to decide which of the two electoral votes to certify. Through some heavy bargaining on both sides (no recounting), Congress certified the votes for Hayes. In return for not protesting the decision, Democrats received commitments from congress and the president-elect for political favors beneficial to southern states. The election of 1876 is considered one of the more corrupt elections in U.S. history.

Election of 1888

Democratic incumbent Grover Cleveland decided to run for a second term. The Republicans countered with Benjamin Harrison, an attorney and former Senator. The election proved to be very close. Cleveland received 5,537,857 votes or 48.6 percent of the votes cast. Harrison received 5,477,129 or 47.9 percent of the vote. Unfortunately for Cleveland,

¹² Paul Boyer, et.al., *The Enduring Vision: A History of the American People*, (D.C. Heath and company, second edition 1993), p.544.

his plurality of the popular vote did not give him the needed majority in the Electoral College and Harrison won by an electoral vote of 233 to 168.

This election is important and unique because it is the only election in U.S. history where the candidate with the most popular votes lost the election due to the Electoral College under the current two-party system and without any evidence of the kind of corruption that existed in the election of 1876. In other words, under the current two-party system of Democrats and Republicans (which has existed since the 1850s) the Electoral College has only once gone against the will of the majority of voters. The election of 2000 will be the second one with Al Gore winning the popular vote but losing to George Bush in the Electoral College.

Conclusion

The Electoral College is the constitutional tool by which Americans elect their presidents. The constitution allows each state to choose electors equal in number to the total number of Senators and Representatives it has in Congress. As Americans vote for a presidential candidate, they are actually voting for a set of electors committed to that presidential candidate. After the popular vote is over in November, the electors committed to the winning candidate in each state cast their votes in December for president. In January, the votes of those electors

are counted in the U.S. Senate and the president is actually elected.

The biggest criticism of the Electoral College is that it does not provide a “one person, one vote system” as many think should be basic to any democracy. It is important to understand that the Electoral College was not designed to do that. The Electoral College, was a compromise of two other options discussed at the Philadelphia Convention: direct popular vote and election by congress. Delegates chose the Electoral College because it addressed the concerns of those who feared the voting populous, those who felt a congressional election would make the president subservient to congress, and the small states fear of the tremendous influence the large states would have in a direct election.

Though criticized as being undemocratic, history shows that in only one election since the creation of the current two-party system has the Electoral College failed to give the election to the candidate with the most popular votes. The election of 2000 will be the second. This will no doubt raise the issue of abolishing or reforming the Electoral College again. As this is debated and discussed in Congress and across the country, the dialog must include how different elections would be in the United States if a direct popular election replaced the 200 year old Electoral College system.