

INFORM. INSPIRE. DEVELOP CIVIC LEADERS.

THE POLICY CIRCLE

THE ELECTORAL COLLEGE



➤ WHAT IS THE ELECTORAL COLLEGE? ◀

THE ELECTORAL COLLEGE IS A PROCESS ESTABLISHED BY THE FOUNDING FATHERS AND INCLUDED IN THE CONSTITUTION. THROUGH THIS PROCESS, ELECTORS VOTE FOR PRESIDENT AND VICE PRESIDENT. THIS SYSTEM SERVES AS A COMPROMISE BETWEEN ELECTING A PRESIDENT BASED ON A CONGRESSIONAL VOTE AND ELECTING A PRESIDENT BASED ON A POPULAR VOTE.

THE OFFICE OF PRESIDENT OF THE UNITED STATES IS ONE OF THE MOST POWERFUL POSITIONS IN THE WORLD, GIVEN THE U.S. ROLE ON THE WORLD STAGE. ENSURING THE SYSTEM THAT ELECTS THE PRESIDENT TO OFFICE IS FAIR AND CONSISTENT IS OF THE UTMOST IMPORTANCE TO OUR DEMOCRACY; IT NEEDS TO RESPECT THE BALANCE OF POWER AMONG THE DIFFERENT BRANCHES OF THE FEDERAL GOVERNMENT, AMONG THE STATES, AND BETWEEN THE STATES AND THE FEDERAL GOVERNMENT. ADDITIONALLY, IT IS ESSENTIAL TO OUR DEMOCRACY THAT VOTERS UNDERSTAND HOW THE PRESIDENTIAL ELECTION SYSTEM WORKS, AND HOW THEIR VOTES ARE COUNTED.



FACTS TO KNOW



SINCE ITS INCORPORATION IN THE CONSTITUTION IN 1878, THE ELECTORAL COLLEGE HAD BEEN MODIFIED TWICE. AFTER ELECTORS CAST AN EQUAL NUMBER OF VOTES FOR THOMAS JEFFERSON AND AARON BURR IN 1800, CONGRESS RATIFIED THE 12TH AMENDMENT IN 1803 TO MANDATE ELECTORS CAST AT LEAST ONE VOTE, AND SPECIFY THAT VOTE AS BEING FOR EITHER PRESIDENT OR VICE PRESIDENT. IN 1961, THE 23RD AMENDMENT ALLOCATED THREE ELECTORAL VOTES TO THE DISTRICT OF COLUMBIA AND AUTHORIZED ITS TREATMENT AS A STATE IN THE ELECTORAL COLLEGE.

SINCE 1964, THERE HAVE BEEN 538 ELECTORS TO MATCH THE TOTAL NUMBER OF MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES (435) AND THE TOTAL NUMBER OF U.S. SENATORS (100) PLUS THREE VOTES ALLOCATED TO THE DISTRICT OF COLUMBIA. EACH STATE HAS THE SAME NUMBER OF ELECTORS AS IT DOES MEMBERS OF CONGRESS; ONE ELECTOR FOR EACH REPRESENTATIVE, PLUS TWO VOTES FOR TWO SENATORS.

ACCORDING TO ARTICLE II, SECTION 1, CLAUSE 2, NO SENATOR, REPRESENTATIVE, OR PERSON HOLDING “AN OFFICE OF TRUST OR PROFIT UNDER THE UNITED STATES” CAN BE AN ELECTOR. ESSENTIALLY, THIS MEANS ANYONE NOT HOLDING AN OFFICIAL FEDERAL OFFICE POSITION IS ELIGIBLE. OTHER THAN THAT, THERE ARE FEW PROVISIONS RELATING TO QUALIFICATIONS FOR ELECTORS.

THE RESULTS FROM THE DECENNIAL CENSUS, THE POPULATION COUNT OF THE UNITED STATES, LEADS TO THE REAPPORTIONMENT OF CONGRESSIONAL DISTRICTS ACROSS THE COUNTRY. THE ELECTORAL COLLEGE IS ALIGNED WITH CONGRESSIONAL REPRESENTATION, SO WHEN REAPPORTIONMENT LEADS TO LOSSES AND GAINS IN CONGRESSIONAL REPRESENTATION ACROSS THE STATES, IT MEANS THESE STATES LOSE OR GAIN ELECTORAL VOTES AS WELL.



➤ HOW IT WORKS ◀



DURING THE SPRING AND SUMMER BEFORE A GENERAL ELECTION, EACH PARTY IN EACH STATE NOMINATES ELECTORS, SO EACH PRESIDENTIAL CANDIDATE HAS A SET OF POTENTIAL ELECTORS. DURING THE GENERAL ELECTION, WHEN VOTERS CAST THEIR VOTES FOR THE PRESIDENTIAL CANDIDATE, THEY ARE ACTUALLY VOTING TO SELECT THEIR STATE'S ELECTORS.

IN 48 STATES, THE SLATE OF ELECTORS ASSOCIATED WITH THE WINNING CANDIDATE ARE APPOINTED AS THE STATE'S ELECTORS IN A WINNER-TAKE-ALL SYSTEM. IN NEBRASKA AND MAIN, CANDIDATES RECEIVE ONE ELECTOR FOR EACH CONGRESSIONAL DISTRICT THEY WIN, AND THE STATE POPULAR VOTE WINNER RECEIVES THE FINAL TWO ELECTORS.

POTENTIAL ELECTORS VOTE LIKE EVERYONE ELSE IN THE NOVEMBER GENERAL ELECTION, AS THEY ARE NOT ELECTORS YET. THEY'RE TECHNICALLY VOTING FOR THEMSELVES TO BE ELECTORS IN THE GENERAL ELECTION. AFTER THE VOTES HAVE BEEN TALLIED, EACH STATE HAS A MEETING OF THE ELECTORS (USUALLY THE FIRST MONDAY AFTER THE SECOND WEDNESDAY IN DECEMBER) AND THIS IS WHEN THE ELECTORS DIRECTLY VOTE FOR THE PRESIDENT AND VICE PRESIDENT. THESE BALLOTS ARE SENT TO: THE PRESIDENT OF THE U.S. SENATE (THE VICE PRESIDENT OF THE U.S.), THE STATE'S SECRETARY OF STATE, THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, AND THE JUDGE PRESIDING OVER THE DISTRICT IN WHICH THE ELECTORS MEET

NOTHING IN THE CONSTITUTION MANDATES ELECTORS VOTE ACCORDING TO THE STATE'S POPULAR VOTE RESULTS. SOME STATES DO REQUIRE ELECTORS TO DO SO OR BE SUBJECT TO FINES OR BE DISQUALIFIED AND REPLACED.





➤ FRAMING THE ISSUE ◀



THE ELECTORAL COLLEGE HAS ON OCCASION PRODUCED CONTROVERSIAL ELECTIONS, THE FIRST OF WHICH CAN BE DATED BACK TO 1800, WHEN THOMAS JEFFERSON AND AARON BURR, BOTH ON THE DEMOCRATIC-REPUBLICAN TICKET, RECEIVED THE SAME NUMBER OF ELECTORAL VOTES. THE DECISION WENT TO THE HOUSE OF REPRESENTATIVES, WHICH EVENTUALLY ELECTED JEFFERSON AS PRESIDENT.

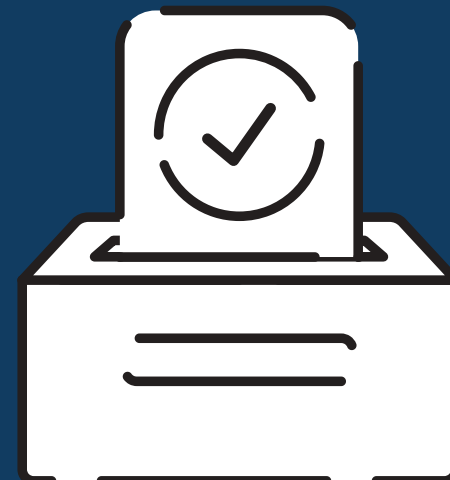
THIS ELECTION ALSO PROMPTED THE 12TH AMENDMENT, WHICH MANDATES DOUBLE BALLOTING: THE ELECTORAL COLLEGE NOW CASTS TWO SEPARATE VOTES, ONE FOR VICE PRESIDENT AND ONE FOR PRESIDENT.

SINCE, NEITHER THE HOUSE OF REPRESENTATIVES NOR AN INDEPENDENT COMMISSION HAS BEEN NECESSARY; IF NOTHING ELSE, THE ELECTORAL COLLEGE IS DECISIVE. ONLY A FEW ELECTIONS HAVE ENDED WITH THE WINNER OF THE POPULAR VOTE NOT WINNING THE ELECTORAL COLLEGE. IN 1888, GROVER CLEVELAND WON THE POPULAR VOTE BUT BENJAMIN HARRISON WON THE ELECTORAL COLLEGE MAJORITY. IN 2000, AL GORE WON THE POPULAR VOTE BY .5% BUT GEORGE W. BUSH WON THE ELECTORAL COLLEGE BY 5 VOTES. AGAIN IN THE 2016 ELECTION, HILLARY CLINTON WON THE POPULAR VOTE BY 2.1% WHILE DONALD TRUMP WON THE ELECTORAL COLLEGE BY 77 VOTES.

AS THE ELECTORAL COLLEGE IS A PART OF OUR CONSTITUTION, MANY RESPECT IT AS A FUNDAMENTAL PART OF OUR COUNTRY AND BELIEVE IT SHOULD NOT BE CHANGED. ON THE OPPOSITE END OF THE SPECTRUM, MANY BELIEVE THE WINNER OF THE NATIONAL POPULAR VOTE SHOULD ALWAYS BE THE WINNER OF THE ELECTION. ALTHOUGH ON THE WHOLE THIS HAS BEEN A RARE OCCURRENCE IN OUR NATION'S HISTORY, THE FACT THAT IT HAS HAPPENED TWICE IN THE PAST TWO DECADES HAS BROUGHT THE ELECTORAL COLLEGE TO THE FOREFRONT OF ELECTION DEBATES.

SUPPORTERS OF THE ELECTORAL COLLEGE ASSERT IT PRESERVES "AN IMPORTANT DIMENSION OF STATE-BASED FEDERALISM IN OUR PRESIDENTIAL ELECTIONS," PRESENTING A GOOD BALANCE OF FEDERAL AND STATE POWERS. IN FACT, AS WRITTEN IN THE CONSTITUTION, THE ELECTORAL COLLEGE ALLOWS STATES TO CONDUCT THEIR ELECTIONS WITHOUT AFFECTING OTHER STATES. ADDITIONALLY, IT GUARANTEES "OUR PRESIDENT WILL HAVE NATIONWIDE SUPPORT." FOR EXAMPLE, SUPPORTERS ARGUE A NATIONAL POPULAR VOTE WOULD GIVE THE MOST POPULOUS STATES THE MAJORITY OF THE ELECTORAL POWER; CANDIDATES WOULD FOCUS ON HEAVILY POPULATED CITIES, AND GIVE LITTLE ATTENTION TO SMALLER, RURAL AREAS.

VOTE NOW





POTENTIAL REFORMS

THE MOST EXTREME OPTION OF ABOLISHING THE ELECTORAL COLLEGE WOULD REQUIRE A CONSTITUTIONAL AMENDMENT. A CONSTITUTIONAL AMENDMENT REQUIRES SUPPORT OF TWO-THIRDS OF BOTH THE HOUSE AND THE SENATE, AND THREE-FOURTHS OF THE STATES.

MANY REFORM BILLS IN THE STATES HAVE PROPOSED SWITCHING FROM THE WINNER-TAKES-ALL SYSTEM OF 48 STATES TO THE DISTRICT SYSTEM OF MAINE AND NEBRASKA. THE ARGUMENT IS THAT THE WINNER-TAKES-ALL SYSTEM IS WHAT GIVES TOO MUCH POWER TO THE SWING STATES; A CANDIDATE CAN AMASS A SIGNIFICANT PORTION OF ELECTORAL VOTES BY FOCUSING ON A FEW KEY AREAS IN THESE STATES. ADDITIONALLY, FORMER GOVERNOR OF MASSACHUSETTS WILLIAM WELD AND UNIVERSITY OF TEXAS LAW SCHOOL PROFESSOR SANFORD LEVINSON NOTE THAT ESPECIALLY IN CLOSE RACES, “[M]ILLIONS OF VOTES FOR THE LOSING PARTY ARE SYSTEMATICALLY TRANSLATED INTO ZERO REPRESENTATION” IN A WINNER-TAKES-ALL SYSTEM. AWARDED ELECTORAL VOTES BY DISTRICT WOULD POSSIBLY OFFER A MORE EVEN DISTRIBUTION OF VOTES. NONE OF THESE PROPOSALS HAVE EVER PASSED IN THE STATES, BUT THAT DOESN’T MEAN THE DEBATES SURROUNDING THE ELECTORAL COLLEGE HAVE SETTLED.

IN 2007, A MOVEMENT FOR A NATIONAL POPULAR VOTE (NPV) GAINED TRACTION IN MARYLAND. ACCORDING TO THE PLAN, THE NPV WOULD BE “AN INTERSTATE AGREEMENT FOR STATES TO APPOINT THEIR ELECTORS FOR THE WINNER OF THE NATIONAL POPULAR VOTE RATHER THAN THE WINNER IN EACH STATE.” FOR EXAMPLE, IF X CANDIDATE WON THE POPULAR VOTE IN CALIFORNIA, BUT Y CANDIDATE WON THE NATIONAL POPULAR VOTE, CALIFORNIA WOULD BE REQUIRED TO SEND THE ELECTORS OF Y CANDIDATE TO ITS MEETING OF ELECTORS. AS OF MID-2021, 15 STATES AND THE DISTRICT OF COLUMBIA (WITH A TOTAL OF 195 ELECTORAL VOTES) HAVE PASSED THE BILL INTO LAW. FOR NOW, THIS MEASURE WILL NOT AFFECT ELECTIONS IN THOSE STATES; AS IT IS WRITTEN, THE NATIONAL POPULAR VOTE BILL WILL ONLY GO INTO EFFECT WHEN IT IS ENACTED INTO LAW BY STATES POSSESSING 270 ELECTORAL VOTES.

➤ WHAT YOU CAN DO ◀

MEASURE -

DO YOU KNOW HOW MANY ELECTORS YOUR STATE HAS? WHERE DOES YOUR STATE STAND ON THE ELECTORAL COLLEGE OR A NATIONAL POPULAR VOTE? HOW DOES YOUR STATE HANDLE "FAITHLESS VOTERS"?



IDENTIFY -

WHO ARE THE INFLUENCERS IN YOUR STATE, COUNTY, OR COMMUNITY? LEARN ABOUT THEIR PRIORITIES AND CONSIDER HOW TO CONTACT THEM, INCLUDING ELECTED OFFICIALS, ATTORNEYS GENERAL, LAW ENFORCEMENT, BOARDS OF EDUCATION, CITY COUNCILS, JOURNALISTS, MEDIA OUTLETS, COMMUNITY ORGANIZATIONS, AND LOCAL BUSINESSES. WHO CAN BE AN ELECTOR IN YOUR STATE? WHAT STEPS HAVE YOUR STATE'S OR COMMUNITY'S ELECTED AND APPOINTED OFFICIALS TAKEN?



REACH OUT -

FIND ALLIES IN YOUR COMMUNITY OR IN NEARBY TOWNS AND ELSEWHERE IN THE STATE. FOSTER COLLABORATIVE RELATIONSHIPS WITH LOCAL BUSINESSES, COMMUNITY ORGANIZATIONS, AND SCHOOL BOARDS.

PLAN -

SET MILESTONES BASED ON YOUR STATE'S LEGISLATIVE CALENDAR OR LOCAL COMMUNITY CALENDAR.



EXECUTE -

RE-FAMILIARIZE YOURSELF WITH THE CONSTITUTIONAL BACKGROUND OF THE ELECTORAL COLLEGE, INCLUDING THE 12TH AND 23RD AMENDMENTS. EXPLORE THE DISTRIBUTION OF ELECTORS ACROSS THE COUNTRY. INVESTIGATE THE MATH BEHIND THE ELECTORAL COLLEGE WITH THIS INTERACTIVE PROJECTION MAP. FIND OUT IF AND HOW SCHOOLS IN YOUR DISTRICT EXPLAIN THE ELECTORAL COLLEGE AS PART OF A GOVERNMENT OR CIVICS CLASS. SEE IF THERE ARE OPPORTUNITIES WITH LOCAL ORGANIZATIONS OR DISTRICT SCHOOLS TO ENGAGE WITH YOUNG AND NEW VOTERS ON THE SUBJECT. CONSIDER VOLUNTEERING OR BECOMING A MENTOR.

