



## How the Electoral College Works

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The Electoral College has served as a vehicle for American democracy since the country's birth over two centuries ago. Yet, not many people (including Americans) understand how the Electoral College works. Below is a quick look at the origins of this system and its role in determining the nation's leader.

### Historical Origins

The Electoral College system is as old as the seminal document upon which our democracy is built; the US Constitution. To draft a national constitution means to determine the method by which a president is elected. Such was the task before the Framers during the Constitutional Convention of 1787.

Deciding how to elect the first American president, as well as all those to follow, would not be an easy undertaking for the Founding Fathers due to the pervasive lack of trust among the 13 nascent states, suspicious not only of each other, but of a strong central government, too. Compounding this difficulty was the nation's sprawling layout. Stretching a thousand miles up and down the Atlantic seaboard, its relatively small population of 4 million people was extremely limited in terms of communication and transportation. Even if a disdain for national campaigns did not exist (it did), technology at the time, or the lack thereof, rendered them virtually ineffectual. Understanding all of this, the Framers considered whether to bestow this duty to select the commander in chief upon a number of smaller bodies, including, the Congress, the 13 governors or the state legislatures. Election by direct popular vote was also weighed. But these ideas and others were ultimately abandoned in favor of a process seen as more compatible with the federalist vision so brilliantly articulated by James Madison, widely regarded as the Father of the US Constitution.

The driving force behind the success of the convention, and what ultimately brought the various state delegates into agreement, was this carefully designed duality between both the presidency and the Congress and between the states and the federal government. An indirect election of the president through a College of Electors, the Framers thought, would best preserve this balance. Channeling in part the Roman Catholic Church and the process by which the College of Cardinals selects the pope, this College of Electors would be comprised of the most knowledgeable and informed individuals from each state and would select the president based solely on merit and without regard for a candidate's home state or political party.

The structure of the Electoral College was similarly inspired by a classical Roman institution – more specifically, the Centurial Assembly of the Roman Republic. Under this system, the adult male citizens of Rome were divided according to wealth into groups of 100, known as Centuries. The Roman Senate would submit a proposal to these groups, and each group was then given one vote to cast, either in favor of or against the proposal. These same fundamental concepts can be found in the American Electoral College. The states have merely replaced the Centurial groups, and the number of votes is

instead based upon the size of each state's congressional delegation. Otherwise, the two systems share many of the same structural components, and in turn, many of the same advantages and disadvantages.

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### *Allocation of Electors and Electoral Votes*

Under Article II, Section 1 of the Constitution, the number of electors in each state is equal to the combined total of its membership in the Senate (each state has two "senatorial" electors) and its delegation in the House of Representatives. Currently, this ranges anywhere from three to 54 electors. Including the three electors granted to the District of Columbia under the 23<sup>rd</sup> Amendment, the total number of electors amounts to 538 nationwide.

Each elector represents one vote. The presidential candidate who wins the popular vote in a state "wins" that state's electoral votes; in other words, the number of electors for that state. Every state but two award electoral votes in this fashion. Maine and Nebraska, on the other hand, have adopted an alternative system whereby the winner of the popular vote is awarded the state's two senatorial electors, and the remainder of its electors are then doled out on a congressional district basis. This means that the candidate who carries a particular district wins its corresponding presidential elector. State preferences notwithstanding, the finish line for the candidates remains the same - the first to eclipse 270 electors wins the election.

However, if no candidate succeeds in winning a majority of the electoral vote (i.e., if there is a tie), then the election is placed in the hands of the newly elected US House of Representatives. During this "contingent election," the states' votes are of equal weight, with each individual state casting a single vote. The candidate who wins the majority of states thereby wins the election. The same process applies to the Vice Presidency, although in this scenario the decision lies with the US Senate.

### *Choosing Electors*

Also enshrined in the US Constitution is the requirement that electors cannot work for the federal government. Aside from this lone condition, it is solely up to the individual states and political parties to decide their own nomination processes. The majority of states (34) have enacted legislation that requires candidates for the office of presidential elector to be nominated by state party conventions. Another ten states have the state party's central committee pick their electors. The remaining states use a variety of procedures, including selection by primary election, by the state's governor, or by the presidential nominees themselves.

Generally speaking, these electors are prominent party figures within their state. These can be, for example, state legislature leaders, governors, or long-time poll workers. More importantly, they are loyal individuals who can be counted on to vote in accordance with their state's popular vote.

### *Faithless Electors*

Indeed, presidential electors are expected, and in many cases sworn, to represent the will of the electorate, but consider that there is no provision in federal or state law that actually requires them to vote in such a way. To vote inconsistently with the popular vote renders one a "faithless elector." There

have been only rare instances over the course of American history when an elector has “faithlessly” gone rogue. When it does happen, though, it is usually to make a thinly-veiled political statement; that is, if a race is in effect already decided, an elector may cast his or her vote in contradiction with the voters’ choice as an expression of disapproval for the candidate. Regardless of motive, however, a faithless elector has never impacted the final results of an election since the system’s inception.

### *General Election Day & Onward*

When voters go to the polls on a general election day (always the Tuesday after the first Monday of November), many mistakenly believe that they are directly casting their vote for a presidential candidate. This is not the case. Instead, they are voting for their electors, who, in a separate procedure held on the first Monday after the second Wednesday in December, ratify the voters’ popular choice.

On this day in December, the 12<sup>th</sup> Amendment requires that electors meet in their respective states. This provision was meant to prevent manipulation of the election by having the state electoral colleges meet at the same time, while still keeping them separate. The electors typically meet in the state capital, where they vote by ballot separately for President and Vice President, at least one of whom must be from another state than the elector. Another demonstration of prudent foresight by the Founding Fathers, this measure was intended to protect against a system of cronyism, whereby electors would show favoritism to a home-state candidate. The results are then endorsed and sent to the Vice President and other officials, at which time the electors adjourn and the Electoral College ceases to exist until the next presidential election.

The final procedural phase occurs on January 6 of the year following the presidential election, e.g., 2017, when both chambers of Congress convene at 1:00 p.m. to count the electoral votes. Serving in his capacity as President of the Senate, the Vice President presides over the ceremony. He opens the electoral vote certificates from each state and passes the certificates to four tellers who then announce the results. The votes are officially tallied, and the winners of the election are announced by the Vice President, thus constituting “a sufficient declaration of the persons, if any, elected President and Vice President of the States.”

### **Why the Electoral College is a Good System**

The Electoral College was designed, in part, to diffuse the voting power of an electorate that was widely varied at the time of the Constitutional Convention. The southern states, concerned for their (less educated) agrarian communities and thinner voter populations, were particularly wary of a system that would favor certain (i.e., northern) states over others. Under a national popular vote system, for instance, if a candidate dominated a few of the most densely populated states, that may have been enough to grant him the popular vote, and in turn, the presidency. Yet, it is clear to see how such a system risks benefitting only a corner of the country’s population and fails to represent the interests of the populace as a whole. By requiring a candidate to demonstrate both a sufficient popular support to govern as well as a sufficient distribution of that support, the Electoral College serves as a unifying mechanism that ensures the rights of smaller states and contributes to the cohesiveness of the country.

In addition, the current system enhances the status of ethnic minorities and special interest groups. Though smaller in sheer number, their collective votes can still affect whether a candidate receives all, or perhaps none, of their state’s electoral votes. In practice, then, the weight of influence for a minority

voter's ballot is often greater than its mathematical count (1). This is a good thing for a country with a dark history of subjugating minority populations. It also compels presidential candidates to account for these voter blocs when developing campaign strategies and policy platforms.

The Electoral College is certainly not without its critics. However, for all of its detractors, there are many more who view it as a true embodiment of the Founding Fathers' vision. The Electoral College reflects the Founders' concerns with the separation of powers and checks and balances: the people get to vote for the president, the states retain considerable authority, and the processes by which the president and members of Congress are elected remain separate and discrete. To abolish it in favor of a nationwide popular election, or any other voting mechanism, would belie the very fabric of the US federalist system of government, and thus, the country's uniquely enduring brand of democracy.