

How does the Electoral College work for voters – or does it?

~Mary Ann Reeves

Discussion about whether the Electoral College should be abolished and replaced with a more direct voting system periodically becomes heated. This is usually after a candidate wins the popular vote but not the Electoral College vote. The 2016 election is no exception, given that the popular vote for a candidate who lost in the Electoral College was almost three million voters higher than the other candidate. This has occurred in other elections (1876, 1888, 2000) but not by as wide a margin.

What is the constitutional authority?

The current procedure for electing the President and Vice President of the United States was ratified under the Twelfth Amendment on June 15, 1804. This was done after much discussion, primarily around the slave population. It echoed earlier discussions about the apportionment of the House of Representatives. The southern states wanted the slave population to be counted to raise their representation in the House of Representatives, but they did not want to give that population the right to vote. This issue arose again when all states wanted women to count towards representation but did not want them to vote, either.

How does it work?

The Electoral College process is an indirect election of both the President and Vice President of the United States. Voters cast votes for electors and not for the candidates themselves.

Each political party in a state nominates electors to represent their respective candidates. The mechanism for doing this varies by state. Examples include party conventions, primaries, campaign committees, state legislatures, and appointments. For all states, the election of the electors is by popular vote in the general election. The number of electors allowed in each state is the sum of their representatives and their senators. Three electors are also chosen for the District of Columbia. The Electoral College currently has 538 electors. All states are guaranteed at least 3 electors, regardless of their smaller populations.

After the election, electors meet in their home states and cast ballots. The candidate(s) with the majority of Electoral College votes is elected. Although the electors pledge to vote for their party's candidate, there is no federal law binding these electors to their pledge.

Fortunately, rogue electors have been few in our country's history. Finally, the election is then certified by Congress, meeting in joint session in January.

What are current methods of Electoral College voting?

Winner take all method: The winner of the popular vote in a state will take all electoral votes for that state. Forty-eight states use this method.

Congressional district method: The winning candidate in each congressional district of a state will get one electoral vote. The majority winner, statewide, will get two votes. Maine and Nebraska are the only states that use the congressional district method.

Some studies have the following pros and cons for the Electoral College.

Pros:

- May increase rural influence by forcing candidates to appeal to voters in wider geographic areas.
- May encourage candidates to seriously consider minority voters or special advocacy groups to give the candidate the final push in the Electoral College.
- Small states, regardless of size, are part of the national, federal system and should have a consequential voice in the election.
- Benefits the stability of the two-party system by not allowing minor, third parties that are momentarily popular to have significant influence in the overall election.

Cons:

- Does not reflect one-man one-vote principle nor the follow the concepts of how a democratic system should function.
- Smaller states have a disproportionate influence since they are guaranteed three electoral votes regardless of size. See “pro” above.
- Increasingly, campaign money and attention focuses on a few key swing states where the vote is undecided.
- “Safe” states (states that are solidly red or blue) are ignored.
- Voter turnout is usually low except in swing states due to entrenched political parties and known outcome.
- Number of electors (and representatives) for each state is determined by census data each ten years based on population. However, states do not lose electors when they deliberately suppress or disenfranchise portions of their electorate.
- Current constitutional clauses governing the Electoral College exclude Americans in U.S. territories; approximately 4 million citizens are thus disenfranchised.