

How We Elect a President: The Electoral College

II.

Sec. 1. The executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years, and, together with the vice-president, chosen for the same term, be elected as follows.

Each state shall 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: but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the president, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately chuse by ballot one of them for president; and if no person have a majority, then from the / re highest on the list the said house shall in like manner chuse the president. But in chusing th president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the president, the person having the greatest number of votes of the electors shall be the vice-president. But if there should remain two or more who have equal votes, the senate shall chuse from them by ballot the vice-president.

Article II, Section 1 of the US Constitution, printed by Dunlap and Claypoole, Philadelphia, September 17, 1787. (Gilder Lehrman Institute, GLC03585)

How We Elect a President: The Electoral College

BY TIM BAILEY

UNIT OVERVIEW

This unit is one of the Gilder Lehrman Institute’s Teaching Literacy through History resources, designed to align with the Common Core State Standards. These units were developed to enable students to understand, summarize, and evaluate original materials of historical significance. Through a step-by-step process, students will acquire the skills to analyze, assess, and develop knowledgeable and well-reasoned viewpoints on primary and secondary sources.

Over the course of two lessons, students will learn how the Electoral College system was established and how it functions in determining who will be the President and Vice President of the United States. The students will demonstrate their understanding by reading complex documents, answering critical thinking questions, and writing a short argumentative essay based on the texts.

UNIT OBJECTIVES

Students will be able to

- Read and demonstrate their understanding of complex documents
- Identify main ideas, recognize conflicting arguments, and synthesize and draw logical inferences from texts
- Answer critical thinking questions referencing information from the documents
- Write an essay addressing a specific prompt, citing specific evidence from the documents

NUMBER OF CLASS PERIODS: 1–2

GRADE LEVEL(S): 6–12

ESSENTIAL QUESTIONS

- In what ways is the election of the US president democratic? In what ways is the election of the US president undemocratic?
- In what ways should presidential elections be made more democratic?
- To what extent does the Electoral College insulate the selection of a president from “popular passion” and the “fury of democracy”?
- To what extent do presidential elections reflect the democratic and republican ideas and governing principles of the United States?

COMMON CORE STATE STANDARDS

CCSS.ELA-LITERATURE.RH.11-12.1: Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.

CCSS.ELA-LITERATURE.RH.11-12.2: Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.

CCSS.ELA-LITERATURE.WHST.11-12.1: Write arguments focused on discipline-specific content. (A) Introduce precise, knowledgeable claim(s), establish the significance of the claim(s), distinguish the claim(s) from alternate or opposing claims, and create an organization that logically sequences the claim(s), counterclaims, reasons, and evidence.

CCSS.ELA-LITERATURE.WHST.11-12.1: Write arguments focused on discipline-specific content. (B) Develop claim(s) and counterclaims fairly and thoroughly, supplying the most relevant data and evidence for each while pointing out the strengths and limitations of both claim(s) and counterclaims in a discipline-appropriate form that anticipates the audience's knowledge level, concerns, values, and possible biases.

LESSON 1

OVERVIEW

In this lesson, students will read about and discuss the establishment and function of the Electoral College in the US election process. They will demonstrate their comprehension through class discussion and written responses to questions.

HISTORICAL BACKGROUND

The Origins of the Electoral College

by Alexander Keyssar, Matthew W. Stirling, Jr. Professor of History and Social Policy,
Harvard Kennedy School

The institution that we now call the Electoral College—the phrase does not appear in the US Constitution—was adopted near the end of the constitutional convention in Philadelphia in the summer of 1787. The Framers had difficulty deciding how the new nation should choose its chief executive, and the design they finally agreed upon was a compromise among diverse and competing views.

It was also complex. Each state was instructed to choose presidential electors equal in number to the state's representation in both branches of Congress; those electors would be chosen in a manner determined by the legislature of the state. (There was—and is—no requirement for a popular election, and some legislatures have chosen electors by themselves.) The electors were then to meet in their respective state capitols, on a given date, and cast ballots for two candidates. The candidate who received the largest number of all electoral votes would become president, if that number constituted a majority of the votes cast; the second-place finisher would become vice president. If no candidate received a majority (something that many believed would happen often), there would then be a “contingent election” in the House of Representatives. The House would select the president from among the top vote-getters, using a decision rule that permitted each state—regardless of its size—to cast one vote. Since 1787, this institutional design has been modified only once, by the Twelfth Amendment (1804), which – in addition to minor procedural changes – instructed electors to cast separate, designated ballots for president and vice president.

Complicated as it is, the Electoral College has generally delivered the White House to candidates whose victories were clear-cut and beyond challenge. But it has also, on occasion, given rise to crises or disputes. Two of these involved the contingent election system. In 1800, Thomas Jefferson and his fellow Republican, the widely distrusted Aaron Burr, received the same number of electoral votes, sending the election to the House where Federalist representatives wielded the power to choose which Republican would become president. In 1824, after a multi-candidate race, the House chose John Quincy Adams as president although Andrew Jackson won more electoral and popular votes. In 1876, a more profound crisis arose when challenges to the legitimacy of electoral votes in several states left the election undecided for months and the fate of Reconstruction hanging in the balance. In 1888, 2000, and 2016, the winner of the popular vote failed to become president.

In part because of these disputes, but also because of unpopular design features embedded in the system itself, a great many efforts have been made to reform or abolish the Electoral College, beginning in the early 1800s and reaching to the present day. One major source of discontent has been the use of the “general ticket” (or winner-take-all) to govern the awarding of each state's electoral votes. This was not mandated by the Constitution, but it became a common practice in the early nineteenth century as dominant political parties within each state sought to maximize their leverage.

Between 1800 and 1830, repeated attempts were made to amend the constitution to require that electors be chosen in district elections; reformers simultaneously sought to revamp the “contingent system” so that states would wield power in proportion to their populations. These reforms, it was widely believed, would make the presidential selection process more democratic, but they never cleared the high bar (a two-thirds vote in each branch of Congress) needed for a constitutional amendment.

Many political leaders—Andrew Jackson prominently among them—also sought to eliminate the office of elector (although not electoral votes), insisting that the people ought to vote directly for president, rather than through intermediaries. Although the impulse to reform subsided for a time after 1830, each of these proposals was again actively promoted in the

second half of the nineteenth century as well as in the twentieth. More amendments have been put forward in Congress on Electoral College reform than on any other subject.

Beginning in the mid-twentieth century, advocates of reform began to focus less on making changes to the Electoral College and more on abolishing the institution and replacing it with a national popular vote: only a nationwide popular election, it was argued, would make presidential campaigns truly national and conform to the democratic principle of “one person, one vote.” In September 1969 the House of Representatives approved, by an overwhelming bipartisan majority, a constitutional amendment to replace the Electoral College with a national popular vote. A year later, and despite the support of more than fifty senators from both parties, the measure was defeated by a filibuster in the Senate.

Although a majority of the American people has continued to favor replacement of the Electoral College with a national ballot, reform efforts since 1980 have been stymied by the determination of the Republican Party to retain the Electoral College—largely because Republican leaders believe that the institution advantages their candidates. Particularly after the two “wrong winner” elections of 2000 and 2016, demands for change have been loud and recurrent, but Republicans have firmly blocked the path to an amendment in Congress.

Alexander Keyssar, Matthew W. Stirling, Jr. Professor of History and Social Policy, Harvard Kennedy School, is the author of The Right to Vote: The Contested History of Democracy in the United States (2000), which was a finalist for the Pulitzer Prize, and Why Do We Still Have the Electoral College (2020).

OBJECTIVES

Students will be able to

- Read and demonstrate understanding of complex documents
- Identify main ideas, recognize conflicting arguments, and synthesize and draw logical inferences from texts

MATERIALS

- Article II, Section 1 of the US Constitution, *America’s Founding Documents*, National Archives, [archives.gov/founding-docs](https://www.archives.gov/founding-docs)
- The Twelfth Amendment to the US Constitution, *America’s Founding Documents*, National Archives, [archives.gov/founding-docs](https://www.archives.gov/founding-docs)
- “How We Choose the President: What Is the Electoral College?” by Tim Bailey based on the National Archives’ US Electoral College website, [archives.gov/federal-register/electoral-college](https://www.archives.gov/federal-register/electoral-college)
- Document Analysis: How We Choose the President
- “Arguments for the Electoral College,” excerpts from “The Electoral College,” revised May 1992, by William C. Kimberling, Deputy Director, FEC Office of Election Administration, www.fec.gov/pdf/elec_coll.pdf.
- “Arguments against the Electoral College” excerpts from “The Electoral College,” revised May 1992, by William C. Kimberling, Deputy Director, FEC Office of Election Administration, www.fec.gov/pdf/elec_coll.pdf.
- Whiteboard, overhead projector, ELMO, or other display device

PROCEDURE

Note: This material will have deeper meaning if students are familiar with the elections of 1800, 1824, 1876, 2000, and 2016. Alternatively, these lessons could serve as the foundation for learning about those landmark elections.

1. For homework before this lesson, hand out copies of Article II, Section 1 of the US Constitution and the Twelfth Amendment. Instruct the students to make notes about content they do not understand and prepare questions for in-class review.
2. Begin Lesson 1 with a discussion of the information in the Historical Background.
3. Then ask students whether Article II, Section 1 of the US Constitution and the Twelfth Amendment helped clarify the reasons for the creation of the Electoral College. You may choose to “share read” Article II and the Twelfth Amendment with the class. This is done by having the students follow along silently while you begin to read aloud, modeling prosody, inflection, and punctuation. Then ask the class to join in with the reading after a few sentences while you continue to read aloud, still serving as the model. This technique will support struggling readers as well as English language learners (ELL).
4. Discuss the role of these documents in the establishment of the Electoral College and the presidential election process. If the students have questions, or if it becomes clear that they do not completely understand the purpose and function of the Electoral College, post their questions or issues prominently and leave room for answers.
5. Hand out “How We Choose the President: What Is the Electoral College.” They may read the text to themselves or you may share read it with the whole class.
6. Hand out the document analysis activity sheet, “How We Choose the President.” Depending on the ability of the students, you may want to model answering the first question. The first question corresponds to the first section in the reading, the second question to the second section, etc. They can work on this activity sheet individually, in pairs, or in small groups.
7. Determine whether the information in the reading has addressed the questions previously posted by the class. Discuss the questions and elicit responses to the students’ questions, writing the responses on the whiteboard.
8. Present the following question for discussion: On election night, how do reporters and commentators explain and balance coverage of the Electoral College and the popular vote totals?
9. Distribute copies of “Arguments for the Electoral College” and “Arguments against the Electoral College.” Tell the students to read the two handouts for homework, noting any questions they have, and to be prepared to discuss the texts during the next class session. If there is time, the students may begin the readings in class.

LESSON 2

OVERVIEW

Students will review and discuss the two articles on the Electoral College that they previewed as homework. They will use information from those articles to respond to critical thinking questions and then write an argumentative essay using information from the documents.

OBJECTIVES

Students will be able to

- Read and demonstrate understanding of complex documents
- Identify main ideas, recognize conflicting arguments, and synthesize and draw logical inferences from texts
- Answer critical thinking questions referencing information from the documents
- Write an essay addressing a prompt, citing specific evidence from the documents

MATERIALS

- “Arguments for the Electoral College,” excerpts from “The Electoral College,” revised May 1992, by William C. Kimberling, Deputy Director, FEC Office of Election Administration, www.fec.gov/pdf/eleccoll.pdf.
- “Arguments against the Electoral College” excerpts from “The Electoral College,” revised May 1992, by William C. Kimberling, Deputy Director, FEC Office of Election Administration, www.fec.gov/pdf/eleccoll.pdf.
- In Your Own Words: Arguments for and against the Electoral College
- Critical Thinking Questions: The Electoral College: Addressing the Issues
- “The Best Way to Elect the President of the United States”
- Whiteboard, overhead projector, ELMO, or other display device

PROCEDURE

1. Ask students whether the handouts helped them understand the arguments for and against the Electoral College. If the students have questions, or it becomes clear that they did not completely understand the arguments for and against the Electoral College, post their questions or issues prominently on a whiteboard or other display device. Leave sufficient room for answers.
2. You may choose to use one or both of the activity sheets in this lesson based on time and the amount of support your students will need to enable them to write the final essay.
3. Distribute copies of the In Your Own Words activity sheet. The students can work on their answers individually or in small groups.
4. Lead a discussion of the students’ responses and come to an agreement as a class on the best restatement of each phrase. They must be able to cite evidence from the text to support their agreed-upon answers.
5. Distribute copies of the critical thinking questions, “The Electoral College: Addressing the Issues,” and ask students to respond to the questions. Emphasize that they must base their responses on evidence taken directly from the documents. The students can work on their answers individually or in small groups.

6. Discuss the students' responses, particularly focusing on their use of the evidence in the texts to support their answers.
7. Return to the questions posted at the beginning of class to see if they can now answer those questions. Add agreed-upon answers for the whole class to see.
8. Hand out the essay form, "The Best Way to Elect the President of the United States," and have students address the prompt: "In a short essay, make a series of arguments that supports either the current Electoral College system of electing the president or a change to a popular vote system." Remind them to base their responses on evidence taken directly from the primary and secondary sources documents used throughout this unit. This writing assignment can be completed in class or as homework.

Article II, Section 1 of the US Constitution

The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

Each State shall 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: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Congress may determine the Time of choosing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Source: *America's Founding Documents*, National Archives, [archives.gov/founding-docs](https://www.archives.gov/founding-docs)

Twelfth Amendment to the US Constitution, 1804

The Electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. [And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in case of the death or other constitutional disability of the President.]* The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

* Superseded by section 3 of the Twentieth Amendment.

Source: *America's Founding Documents*, National Archives, [archives.gov/founding-docs](https://www.archives.gov/founding-docs)

How We Choose the President: What Is the Electoral College?

BY TIM BAILEY

1. When you vote for the president of the United States of America, you are in fact voting for somebody else to vote for you. That person is called an “elector,” and even though you vote for the next president on the Tuesday after the first Monday in November, 538 electors from across America will make the vote that counts on the first Monday after the second Wednesday in December. If all of this seems confusing, maybe the following will help make it more understandable.
2. The process of choosing an elector to vote for the president instead of choosing the next president through your own vote is part of a system called “The Electoral College.” The Electoral College was established in Article II of the United States Constitution. The article explains that every state will get one vote for president for every person they send to the United States Congress. For example, Hawaii sends four people Congress: two to the US Senate and two to the House of Representatives. Therefore, because they have four congressional members, they get to choose four electors to vote for president. These electors pledge to vote the way the people in their state voted. For example, if most of the people in Hawaii voted for the Republican Party candidate in November, then all of the electors have promised to vote for the Republican Party candidate when they vote for the president in December. Nearly every state has this “winner-take-all” system (with the exception of Maine and Nebraska). If a presidential candidate wins by even one vote in California, he or she gets all 55 of California’s electoral votes. Currently, it takes 270 of the possible 538 electoral votes to win the election.
3. This system may seem strange since most of the elections people are familiar with are “popular” elections. In a popular election the candidate who gets the most people to vote for him or her wins the race. However, because of the Electoral College system, this is not always the case for the presidency. In fact, several times in the country’s history the person who won the presidential election had fewer popular votes than the person who lost the election.

The first test of the Electoral College system was the election of 1800, in which both Thomas Jefferson and his running mate, Aaron Burr, received 73 electoral votes, which according to Article II of the Constitution left the decision to the House of Representatives. The result of the 1800 election was the Twelfth Amendment, which was written to prevent a tie. It states that electors must cast a vote for president and a separate vote for vice president.

In the presidential election of 1824, John Quincy Adams, Andrew Jackson, and two other candidates split the electoral votes so that none of the four had a majority. Again, the House of Representatives was required to choose the winner. John Quincy Adams won the presidency even though Andrew Jackson had finished the election with a lead in both popular and electoral votes.

The 1876 election was decided by a special congressional commission that awarded the election to Rutherford Hayes by one electoral vote over Samuel Tilden, although Tilden had obviously won the popular vote. Again in 1888, Benjamin Harrison lost the popular vote to Grover Cleveland, but carried the Electoral College. In 2000, President George W. Bush had 500,000 fewer popular votes than his opponent, Al Gore. Yet Bush was declared the new president because he had 271 electoral votes to Gore’s 266. And in 2016, Hillary Clinton received more than 2.8 million more votes than Donald Trump, but Trump became president because he received 304 votes of the 538 available in the Electoral College.

4. Despite its problems, there are several reasons the founders of our country created the Electoral College. First, it gave small states the power to help choose the president. The framers of the Constitution reasoned that the smaller states would lose that power in a popular election for president. With the Electoral College, states with a small population could affect the outcome of an election. For example, in 2012 more than 13,000,000 people of voting age lived in New York and that state got 29 electoral votes for president. Compare that to ten states with the smallest population. Although those ten states had only 6,000,000 voters combined, together they had 32 electoral votes. So, although these states together had less than half the number of eligible voters that New York had, they got more electoral votes than New York. Therefore, the Electoral College allows small states a way to have a say about who would be president without being dominated by the big states.

Second, transportation and technology at the time of the writing of the Constitution made it nearly impossible to hold a popular election for president. It would have taken months to gather all of the votes from across the country, count them, and send the results to the nation's capital, because the fastest form of communication was a letter carried by a rider on a horse. Of course, now technology has made this issue obsolete. In fact, many people are calling for an end to the Electoral College. They think that a popular vote for president would encourage more people to vote. However, others think that the Electoral College has done a very good job of electing the nation's leaders and should be kept as it is.

Source: Based on the National Archives' US Electoral College website, [archives.gov/federal-register/electoral-college](https://www.archives.gov/federal-register/electoral-college)

Arguments for the Electoral College

From “The Electoral College,” by William C. Kimberling, Deputy Director, FEC Office of Election Administration,
www.fec.gov.

Proponents of the Electoral College system normally defend it on the philosophical grounds that it:

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

. . . Proponents argue that the Electoral College system *contributes to the cohesiveness of the country by requiring a distribution of popular support to be elected president*. Without such a mechanism, they point out, presidents would be selected either through the domination of one populous region over the others or through the domination of large metropolitan areas over the rural ones. Indeed, it is principally because of the Electoral College that presidential nominees are inclined to select vice presidential running mates from a region other than their own. For as things stand now, no one region contains the absolute majority (270) of electoral votes required to elect a president. . . . Such a unifying mechanism seems especially prudent in view of the severe regional problems that have typically plagued geographically large nations such as China, India, the Soviet Union, and even, in its time, the Roman Empire. . . .

. . . The Electoral College system is designed to work in a rational series of defaults: if, in the first instance, a candidate receives a substantial majority of the popular vote, then that candidate is virtually certain to win enough electoral votes to be elected president; in the event that the popular vote is extremely close, then the election defaults to that candidate with the best distribution of popular votes (as evidenced by obtaining the absolute majority of electoral votes); in the event the country is so divided that no one obtains an absolute majority of electoral votes, then the choice of president defaults to the States in the U.S. House of Representatives. One way or another, then, the winning candidate must demonstrate both a sufficient popular support to govern as well as a sufficient distribution of that support to govern.

Proponents also point out that, far from diminishing minority interests by depressing voter participation, the Electoral College actually *enhances the status of minority groups*. This is so because the votes of even small minorities in a State may make the difference between winning all of that State’s electoral votes or none of that State’s electoral votes. And since ethnic minority groups in the United States happen to concentrate in those States with the most electoral votes, they assume an importance to presidential candidates well out of proportion to their number. . . . Changing to a direct election of the president would therefore actually damage minority interests since their votes would be overwhelmed by a national popular majority.

Proponents further argue that the Electoral College *contributes to the political stability of the nation* by encouraging a two-party system. There can be no doubt that the Electoral College has encouraged and helps to maintain a two-party system in the United States. This is true simply because it is extremely difficult for a new or minor party to win enough popular votes in enough States to have a chance of winning the presidency. Even if they won enough electoral votes to force the decision into the U.S. House of Representatives, they would still have to have a majority of over half the State delegations in order to elect their candidate—and in that case, they would hardly be considered a minor party.

In addition to protecting the presidency from . . . third-party movements, the practical effect of the Electoral College . . . is to virtually force third-party movements into one of the two major political parties. Conversely, the major parties have every incentive to absorb minor-party movements in their continual attempt to win popular majorities in the States. In this process of assimilation, third-party movements are obliged to compromise their more radical views if they hope to attain any of their more generally acceptable objectives. Thus we end up with two large, pragmatic political parties which tend to the center of public opinion rather than dozens of smaller political parties catering to divergent and sometimes extremist views. . . .

Finally, its proponents argue . . . that the Electoral College *maintains a federal system of government and representation*. Their reasoning is that in a formal federal structure, important political powers are reserved to the . . . States. In the United States, for example, the House of Representatives was designed to represent the States according to the size of their population. . . . The Senate was designed to represent each State equally regardless of its population. And the Electoral College was designed to represent each State's choice for the presidency (with the number of each State's electoral votes being the number of its Senators plus the number of its Representatives). To abolish the Electoral College in favor of a nationwide popular election for president would strike at the very heart of the federal structure laid out in our Constitution and would lead to the nationalization of our central government—to the detriment of the States. . . .

The fact is, they argue, that the original design of our federal system of government was thoroughly and wisely debated by the Founding Fathers. State viewpoints, they decided, are more important than political minority viewpoints. And the collective opinion of the individual State populations is more important than the opinion of the national population taken as a whole. Nor should we tamper with the careful balance of power between the national and State governments which the Founding Fathers intended and which is reflected in the Electoral College.

Arguments against the Electoral College

From “The Electoral College,” by William C. Kimberling, Deputy Director, FEC Office of Election Administration,
www.fec.gov.

Those who object to the Electoral College system and favor a direct popular election of the president generally do so on four grounds:

- the possibility of electing a minority [someone not receiving the majority of votes] president,
- the risk of so-called “faithless” Electors,
- the possible role of the Electoral College in depressing voter turnout, and
- its failure to accurately reflect the national popular will.

Opponents of the Electoral College are disturbed by *the possibility of electing a minority president* (one without the absolute majority of popular votes). Nor is this concern entirely unfounded since there are three ways in which that could happen.

One way in which a minority president could be elected is if the country were so deeply divided politically that three or more presidential candidates split the electoral votes among them such that no one obtained the necessary majority . . . There are two possible resolutions: either one candidate could throw his electoral votes to the support of another (before the meeting of the Electors) or else, absent an absolute majority in the Electoral College, the U.S. House of Representatives would select the president in accordance with the 12th Amendment.

. . . A second way in which a minority president could take office is if, as in 1888, one candidate’s popular support were heavily concentrated in a few States while the other candidate maintained a slim popular lead in enough States to win the needed majority of the Electoral College.

. . . A third way of electing a minority president is if a third party or candidate, however small, drew enough votes from the top two that no one received over 50% of the national popular total. Far from being unusual, this sort of thing has, in fact, happened 15 times including (in [the twentieth] century) Wilson in both 1912 and 1916, Truman in 1948, Kennedy in 1960, Nixon in 1968, and Clinton in both 1992 and 1996. . . .

Opponents of the Electoral College system also point to *the risk of so called “faithless” Electors*. A “faithless Elector” is one who is pledged to vote for his party’s candidate for president but nevertheless votes for another candidate. There have been 7 such Electors in [the twentieth] century and as recently as 1988 when a Democrat Elector in the State of West Virginia cast his votes for Lloyd Bentsen for president and Michael Dukakis for vice president instead of the other way around. . . .

Opponents of the Electoral College are further concerned about *its possible role in depressing voter turnout*. Their argument is that, since each State is entitled to the same number of electoral votes regardless of its voter turnout, there is no incentive in the States to encourage voter participation. Indeed, there may even be an incentive to discourage participation (and they often cite the South here) so as to enable a minority of citizens to decide the electoral vote for the whole State. . . .

Finally, some opponents of the Electoral College point out . . . *its failure to accurately reflect the national popular will* in at least two respects. First, the distribution of Electoral votes in the College tends to overrepresent people in rural States. This is because the number of Electors for each State is determined by the number of members it has in the House (which more or less reflects the State's population size) plus the number of members it has in the Senate (which is always two regardless of the State's population). The result is that in 1988, for example, the combined voting age population (3,119,000) of the seven least populous jurisdictions of Alaska, Delaware, the District of Columbia, North Dakota, South Dakota, Vermont, and Wyoming carried the same voting strength in the Electoral College (21 Electoral votes) as the 9,614,000 persons of voting age in the State of Florida. Each Floridian's potential vote, then, carried about one third the weight of a potential vote in the other States listed.

A second way in which the Electoral College fails to accurately reflect the national popular will stems primarily from the winner-take-all mechanism whereby the presidential candidate who wins the most popular votes in the State wins all the Electoral votes of that State. One effect of this mechanism is to make it extremely difficult for third-party or independent candidates ever to make much of a showing in the Electoral College. If, for example, a third-party or independent candidate were to win the support of even as many as 25% of the voters nationwide, he might still end up with no Electoral College votes at all unless he won a plurality of votes in at least one State. And even if he managed to win a few States, his support elsewhere would not be reflected. By thus failing to accurately reflect the national popular will, . . . the Electoral College reinforces a two-party system, discourages third-party or independent candidates, and thereby tends to restrict choices available to the electorate.

NAME

PERIOD

DATE

In Your Own Words: Arguments for and against the Electoral College

Begin with “Arguments for the Electoral College.” There are four statements in bold type. Use your own words to explain each statement.

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 groups”**

3: **“contributes to the political stability of the nation”**

4: **“maintains a federal system of government and representation”**

Which of the four arguments for the Electoral College is most convincing? Explain your answer.

NAME

PERIOD

DATE

Continue with “Arguments against the Electoral College.” There are four statements in **bold type**. Use your own words to explain each statement.

1: “the possibility of electing a minority president”

2: “the risk of so called ‘faithless’ Electors”

3: “its possible role in depressing voter turnout”

4: “its failure to accurately reflect the national popular will”

Which of the four arguments against the Electoral College is most convincing? Explain your answer.

NAME

PERIOD

DATE

The Best Way to Elect the President of the United States

In a short essay, make a series of arguments that supports either the current Electoral College system of electing the president or a change to a popular vote system. It is important that you use evidence (quotes and ideas) taken directly from the texts provided. Clearly cite this evidence in your essay.

(Attach additional pages if necessary.)