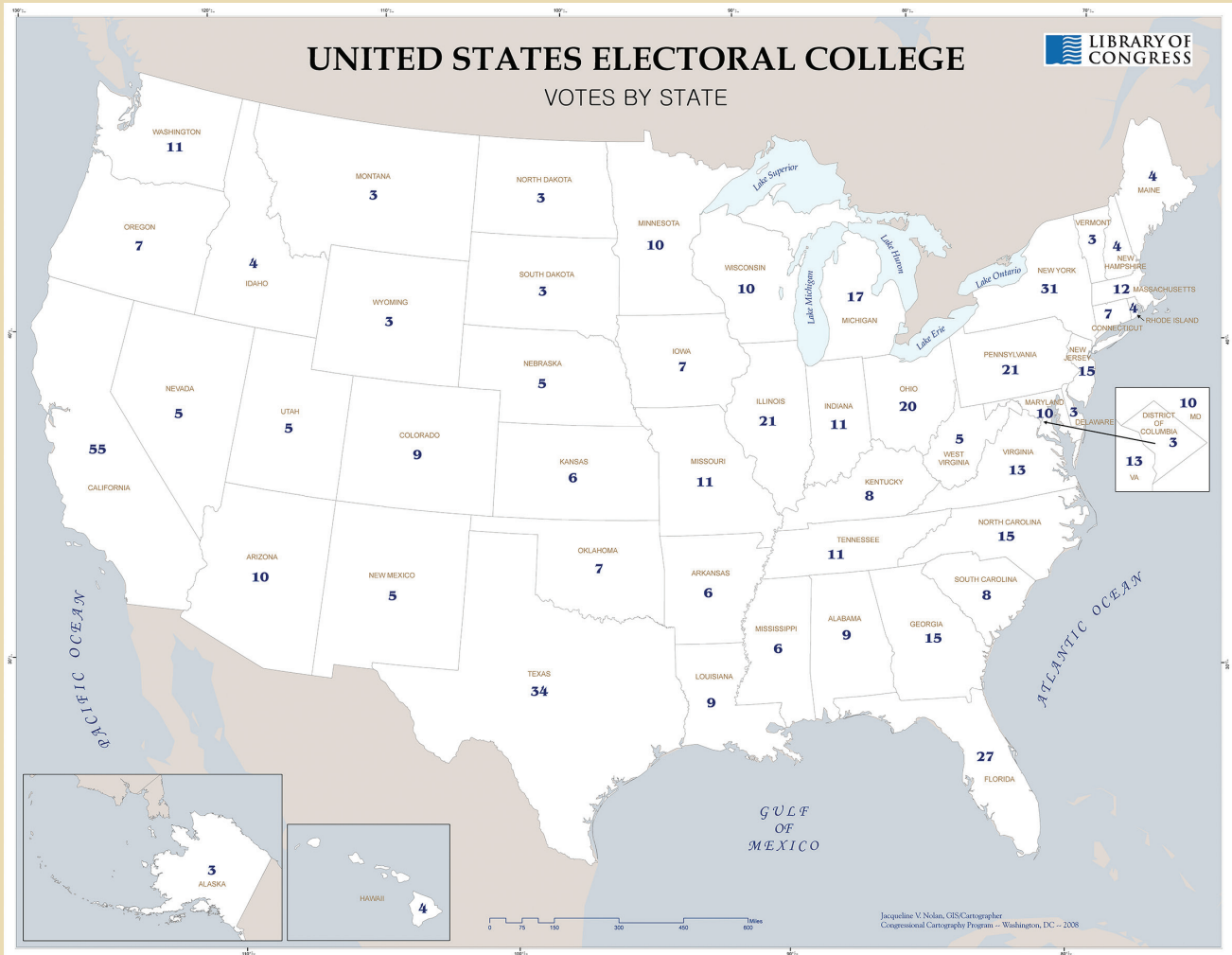


How We Elect a President: The Electoral College



THE GILDER LEHRMAN
INSTITUTE of AMERICAN HISTORY

TL TEACHING LITERACY
TH THROUGH HISTORY



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.

After completing this lesson, students will understand 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 responding in writing to questions that are designed to make them use textual evidence to support their answers.

UNIT OBJECTIVES

Students will be able to

- Read and demonstrate their understanding of complex documents
- Answer critical thinking questions referencing information from the documents

NUMBER OF CLASS PERIODS: 1

GRADE LEVEL(S): 4–6

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).

ESSENTIAL QUESTIONS

- In what ways is the election of a US president democratic? In what ways is the election of a US president undemocratic?
- To what extent are US presidents elected by the people?
- In what ways should presidential elections be made more democratic?

COMMON CORE STATE STANDARDS

CCSS.ELA-LITERACY.RI.5.1: Quote accurately from a text when explaining what the text says explicitly and when drawing inferences from the text.

CCSS.ELA-LITERACY.RI.5.2: Determine two or more main ideas of a text and explain how they are supported by key details; summarize the text.

CCSS.ELA-LITERACY.RI.5.4: Determine the meaning of general academic and domain-specific words and phrases in a text relevant to [grade-level] topic or subject area.

CCSS.ELA-LITERACY.RI.5.9: Integrate information from several texts on the same topic in order to write or speak about the subject knowledgeably.

MATERIALS

- Article II, Section 1 of the US Constitution, *America's Founding Documents*, National Archives, archives.gov/founding-docs
- The Twelfth Amendment to the US Constitution, *America's Founding Documents*, National Archives, archives.gov/founding-docs
- “How We Choose the President: What Is the Electoral College?” by Tim Bailey, compiled from the National Archives’ US Electoral College website, <http://www.archives.gov/federal-register/electoral-college>
- Critical Thinking Questions: Understanding the Electoral College
- Overhead projector or other display method

PROCEDURE

You may choose to have the students work individually, as partners, or in small groups.

1. Discuss the information in the Historical Background about presidential elections and the Electoral College.
2. Distribute copies of Article II of the US Constitution and the Twelfth Amendment and display them on an overhead or Elmo. Explain that these documents are the foundation for how we elect a president. “Share read” both primary sources with the class. This is done by having the students follow along silently while you begin reading 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 along, still serving as the model. This technique will support struggling readers as well as English Language Learners (ELL).
3. Distribute “How We Choose the President: What Is the Electoral College” and share read it with the students.
4. Hand out “Critical Thinking Questions: Understanding the Electoral College.” Model the first question with the whole class. It is very important that student answers are backed up with evidence directly from the text. The students may continue on to the other questions individually or in their groups.
5. Discuss the students’ answers to ensure that they understand presidential elections and the Electoral College.

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.

Primary Source

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)

The 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,