

# **ISSUES IN PERSPECTIVE**

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## ***Is the Electoral College Still Necessary?***

The 2016 presidential election is history and the difference between the popular vote, which Hillary Clinton won by over two million votes, and the electoral vote, which Donald Trump won decisively, is disturbing to some. Because this is the second time in recent history where the candidate who won the popular vote did not win the electoral vote, many argue that we should abolish the Electoral College and simply adopt the standard that the one who wins the popular vote (presumably a majority requirement) is the president. [Actually, there have been five US presidential elections where the person elected president via the Electoral College lost the popular vote—1824 (John Quincy Adams), 1876 (Rutherford B. Hayes), 1888 (Benjamin Harrison), 2000 (George W. Bush) and 2016 (Donald Trump).] Should we abolish the Electoral College as an antiquated, 18<sup>th</sup> century innovation of our Founders? Why did they institute it in the first place? What possible benefit is there to this Republic to have such an unusual way to choose the President of the United States?

First of all, a few facts about the Electoral College. When the Founders wrote the Electoral College into the Constitution (see Article II), they stressed the fact that Americans vote by state (e.g., their representatives in the House and the Senate). So, the Founders recognized the importance of the states in the Union when it comes to voting. Hence, the total possible votes in the Electoral College is based on the number of Representatives in the House and those in the Senate (with 3 electoral votes for the District of Columbia), for a total of 538 possible electoral votes. Thus, each state has the same number of electors as it does US Senators and Representatives combined (e.g., Nebraska has 5 electoral votes). The Constitution mandates a majority of electoral votes for the presidency, which today would be a minimum vote of 270. Other procedural facts:

- Elections are state functions, such that each state determines how, where and when the national election is to occur within their respective states. The presidential election is held every four years on the first Tuesday after the first Monday in November. When it comes to the presidency, voters are choosing slates of electors who in turn will vote for the president and vice president. [Some states actually list the electors on the ballot next to the candidate's name.]
- Once chosen, the electors then vote the Monday after the second Wednesday in December (19 December in 2016) in their respective state capitals.
- On 6 January the President of the Senate (i.e., the Vice President of the United States), in a joint House-Senate session in the nation's capital, counts the electors' ballots from

the various 50 states and the presidential and vice presidential candidates receiving the majority of votes (i.e., at least 270) are officially declared the President and Vice President.

- If no candidate receives the necessary 270 electoral votes, the election then goes to the House of Representatives where each state delegation gets to cast one vote. The candidate who receives 26 votes is declared the president.
- The inauguration then occurs on 20 January.

Second, what are the advantages of this elaborate system of choosing the president? There are several important aspects of this system that necessitates it remaining the method used to choose our president and vice president.

- The United States is a democratic-republic, not a parliamentary democracy. Because a candidate must get at least 270 electoral votes to be president, the Electoral College preserves the two-party system. The Electoral College prevents fringe third parties from getting the credibility and attention that comes with winning votes. The Electoral College normally narrows the field to two major candidates and reduces the relevance of fringe candidates with a limited, ideological agenda. Anyone who studies parliamentary systems of government knows that it is very difficult often to put together a government, for it involves building coalitions among multiple parties and groups. The Electoral College guards against this need in America.
- The United States is a Federal System in which governmental power is shared by the national government and the various 50 states. The Electoral College preserves the importance of the states in this shared power system. For a candidate to win the electoral votes of the various states, that candidate must address all concerns of all states, not only the larger states. For example, because California and New York are such large states in terms of population, if there were no Electoral College, a candidate could concentrate on winning the votes of these two states (urban, wealthy, pluralistic) and ignore the Midwestern and southern state populations all together. The Electoral College forces candidates to address issues relevant to the smaller states as well as the larger ones. The United States is a union of 50 states and the Electoral College preserves the nature of that union. The Electoral College preserves the beauty and complexity of where people live in this vast Republic. It recognizes the importance of someone who lives and votes in Wyoming as much as someone who lives and votes in California. In this Federal System, the importance of the smaller states vis a vis the larger populated states is preserved in the Electoral College.
- Practically speaking, because most electors vote for the candidate to whom they are pledged, we have immediate results on who the next president will be the day after

the national election. Normally, there is no call for national recounts or expensive run-off elections that often occur in parliamentary democracies.

The Electoral College is a brilliant innovation by the Founders of this nation. The Constitution preserves the virtues of the Federal System, the sharing of power between the national government and the states, and provides a means for protecting both the individual and the regional diversity of this complex nation. The Electoral College is an important aspect of the Constitution's balance of power and diversity in our Republic. Anyone who argues for its dismantling does not understand the nature of this Republic or of the Constitution.