

The Electoral College

Overview

In this lesson, students will examine the purpose, function, origin, and historical development of the Electoral College in order to gain a better understanding of how Americans elect the President. Students will then evaluate issues of fairness and representation with regard to the Electoral College. Finally, students will participate in a class debate over the pros and cons of the current system.

Grade

10

NC Essential Standards for American History: The Founding Principles, Civics & Economics

- FP.C&G.2.8 - Analyze America's two-party system in terms of the political and economic views that led to its emergence and the role that political parties play in American politics (e.g., Democrat, Republican, promotion of civic responsibility, Federalists, Anti-Federalists, Influence of third parties, precincts, "the political spectrum", straight ticket, canvass, planks, platform, etc.)
- FP.C&G.4.3 - Analyze the roles of citizens of North Carolina and the United States in terms of responsibilities, participation, civic life and criteria for membership or admission (e.g., voting, jury duty, lobbying, interacting successfully with government agencies, organizing and working in civic groups, volunteering, petitioning, picketing, running for political office, residency, etc.)
- FP.C&G.5.1 - Analyze the election process at the national, state and local levels in terms of the checks and balances provided by qualifications and procedures for voting (e.g., civic participation, public hearings, forums, at large voting, petition, local initiatives, local referendums, voting amendments, types

Essential Questions

- What is "direct democracy?"
- What is the purpose of the Electoral College and how does it function?
- How does this method of voting differ from popular elections?
- Why does the United States have an Electoral College?
- What is a "faithless elector?"
- How are electors chosen?
- What are the pros and cons of the Electoral College?
- Does your vote really count?

Materials

- Color-coded sheets of paper, 3 colors
- Presidential Election of 2000, Electoral and Popular Vote Summary, attached
- "Comparing the Framers' Methods of Election," attached
- "What is the Electoral College" article, attached
- "Does My Vote Count?" article, attached
- The Bayh-Celler Amendment, article attached

Duration

60-90 minutes

Procedure

Does my vote really count?

1. As students enter the room, hand them each a small piece of paper that is one of three colors, making sure there is an equal distribution of colors. When all students have taken a seat, ask them to write an answer to the question, "How is the President elected?" on their sheets. When they are finished, call on several students to read what they have written. Answers will vary, but most students will probably say that Americans go to the polls on Election Day, vote, and the candidate with the most votes becomes the next president. Tell them that this is incorrect. As a matter of fact, in the 2000 election, Al Gore actually received approximately 540,000 more votes than George W. Bush, and he lost the election. And this is only one of several instances that this has happened.
2. As a transition into the next part of the lesson, have the class vote on the following question: "Which is the best college - UNC, NC State, or Duke?" Tally votes and place answer on the board. Have a tie-breaking vote if necessary.
3. Divide students into three groups based on paper color, making sure there are at least six students in each group. (If class size is too small to do this, only use two colors and divide into two groups). Select a representative for each group, and tell them they are the "elector" for their group. Tell groups they have one minute to vote on the best college as a group, and that *the "elector" is only allowed to listen to the discussion, not participate*. At the end of one minute, tell the class that the "elector" will act on behalf of their group and tell the class what the best college is. (The catch is that the elector has the choice of casting his/her vote whichever way he/she pleases, choosing whether to adhere to the democratic ruling of the group.) Instruct groups to be silent while electors are answering the question. After all electors have voted, allow a few minutes for discussion to ascertain whether or not electors voted the same way as their groups. Tell class that, contrary to popular belief, this is a more realistic version of the way the President is elected.
4. Explain to students that America *does not* elect its president through "**direct democracy**." Define direct democracy as a form of democracy in which the people as a whole make direct decisions, rather than have those decisions made for them by elected representatives.

Understanding the Electoral College

5. Have students go back to their original seats. Distribute the handout entitled "Presidential Election of 2000, Electoral and Popular Vote Summary." Give students 2 minutes to examine the handout. After 2 minutes, quickly discuss what information is presented in the chart. Point out the column "**Electoral Votes**" and ask students if they know what this means. Explain that, despite what most Americans might think, presidents are actually elected by a group of 538 "electors" acting on behalf of the states, *not* by the citizens. This method of election is called the **Electoral College**. Stress that this is not to say that "the people" do not elect their president necessarily, but it explains how a candidate can get the most votes from the people and still lose the election. Most students will inevitably be puzzled by this. Tell them that the Electoral College is one of the most complicated aspects of the American electoral process.
6. Each state has electors equal to the number of Senators (two for each state) and Representatives (based on population) it has in Congress. Because Representatives (and therefore some electors) are allotted by population, this is adjusted every ten years when the government takes a census. At this point, point out to students that the number of electors for many states has changed since the 2000 election, based on the census of 2010. For example, while North Carolina had 14 electors during the 2000 election, we currently have 15. Project the attached Electoral College Map of 2012 for students to view.
7. So, how does one become an **elector**? Political parties choose electors. The major parties usually choose them at conventions. Sometimes party leaders decide who will perform this job. Once they are chosen, political parties submit the names of the electors to each state's election office. Most citizens can become electors; however, anyone who works for the Federal Government or is a member of Congress cannot be an elector.

8. So why does America have the Electoral College? Tell students that this was a question the framers of the Constitution struggled with. There was tremendous disagreement. They considered having Congress choose the President, having state legislatures choose the president, and even allowing direct democracy in the case of Presidential elections. In the end, the compromise was the Electoral College.
9. Divide students into pairs. Distribute “Comparing the Framers’ Methods of Election” handout and two articles on the Electoral College, one of each for every pair. Using prior knowledge and the articles, ask students to complete the front page of the graphic organizer and answer the three questions. Encourage students to think about issues not specifically covered in the articles. This should take around 20 minutes. During this time, move from group to group to answer any questions that may arise. (An additional source to consult or to use as an alternative reading is “How the Electoral College Works: <http://history.howstuffworks.com/american-history/electoral-college.htm>)
10. Once student have completed their reading and questions, go over the answers as a class. As a culminating discussion, draw a chart on the board with “Advantages” in the right column and “Disadvantages” in the left column. Ask students to note all of the possible advantages and disadvantages to the Electoral College as a class, noting student comments in the appropriate column.

Culminating Activity: Congressional Committee to Study the Electoral College

11. Divide students into small groups and tell them to imagine that they are members of Congress who have been assigned to a special Congressional Committee charged with determining whether the Electoral College the best method of electing America’s president.
12. Three students in each group should assume the following rolls:
 - Committee Head – facilitates the discussion and keeps the group on track; communicates with the teacher if questions arise or assistance is needed
 - Secretary – takes detailed notes regarding the Committee’s conversation and final recommendation regarding the Electoral College
 - Speaker – presents the Committee’s recommendation to Congress
13. Next, explain to students:
 - Your group represents members of the House of Representatives who have been assigned to a Congressional Committee to examine the Electoral College and determine whether or not the system should remain or be replaced with alternative procedures. Consider the information you’ve learned about the Electoral College, including the pros and cons to the system. Is this the best method of electing the President of the United States? Together, you must discuss your opinions regarding whether this system is still the fairest method for elections. If you decide it is not, then you must determine a reasonable alternative. Be prepared to summarize your decision to the remainder of Congress (i.e., the class.) If you propose an alternative, be prepared to explain your idea in detail.
14. Provide approximately 15 minutes for students to discuss and make a decision regarding the Electoral College. Once time is up, each Speaker should report back to Congress (i.e., the rest of the class) regarding their Committee’s recommendation. The teacher should keep note on the board regarding each Committee’s recommendation. If any Committee recommends an alternative, allow others to ask questions for clarification. Once all groups have shared, review the tally of how many Committees decided in favor of the Electoral College, and how many posed an alternative. Allow the class to then vote on which alternative they think would be the best replacement and discuss the results. As a closing question ask students to answer, “So, does your vote really count?”

Additional Activities

- Divide students into pairs and provide them with the attached Wikipedia entry about the Bayh-Celler Amendment, which is the closest the United States Congress has ever come to abolishing the Electoral College. After reading, pairs should discuss the attached questions.

Presidential Election of 2000, Electoral and Popular Vote Summary

	George W. Bush		Albert A. Gore, Jr.		Ralph Nader		Electoral votes		
	Popular vote	%	Popular vote	%	Popular vote	%	R	D	G
Alabama	941,173	56%	692,611	42%	18,323	1%	9		
Alaska	167,398	59	79,004	28	28,747	10	3		
Arizona	781,652	51	685,341	45	45,645	3	8		
Arkansas	472,940	51	422,768	46	13,421	1	6		
California	4,567,429	42	5,861,203	53	418,707	4		54	
Colorado	883,748	51	738,227	42	91,434	5	8		
Connecticut	561,094	38	816,015	56	64,452	4		8	
Delaware	137,288	42	180,068	55	8,307	3		3	
DC	18,073	9	171,923	85	10,576	5		2 ¹	
Florida	2,912,790	49	2,912,253	49	97,488	2	25		
Georgia	1,419,720	55	1,116,230	43	13,432 ²	1	13		
Hawaii	137,845	37	205,286	56	21,623	6		4	
Idaho	336,937	67	138,637	28	12,292 ²	2	4		
Illinois	2,019,421	43	2,589,026	55	103,759	2		22	
Indiana	1,245,836	57	901,980	41	18,531 ²	1	12		
Iowa	634,373	48	638,517	49	29,374	2		7	
Kansas	622,332	58	399,276	37	36,086	3	6		
Kentucky	872,492	57	638,898	41	23,192	2	8		
Louisiana	927,871	53	792,344	45	20,473	1	9		
Maine	286,616	44	319,951	49	37,127	6		4	
Maryland	813,797	40	1,145,782	56	53,768	3		10	
Massachusetts	878,502	33	1,616,487	60	173,564	6		12	
Michigan	1,953,139	46	2,170,418	51	84,165	2		18	
Minnesota	1,109,659	46	1,168,266	48	126,696	5		10	
Mississippi	572,844	58	404,614	41	8,122	1	7		
Missouri	1,189,924	50	1,111,138	47	38,515	2	11		

Montana	240,178	58	137,126	33	24,437	6	3		
Nebraska	433,862	62	231,780	33	24,540	4	5		
Nevada	301,575	50	279,978	46	15,008	2	4		
New Hampshire	273,559	48	266,348	47	22,198	4	4		
New Jersey	1,284,173	40	1,788,850	56	94,554	3		15	
New Mexico	286,417	48	286,783	48	21,251	4		5	
New York	2,403,374	35	4,107,697	60	244,030	4		33	
North Carolina	1,631,163	56	1,257,692	43	—	—	14		
North Dakota	174,852	61	95,284	33	9,486	3	3		
Ohio	2,351,209	50	2,186,190	46	117,857	3	21		
Oklahoma	744,337	60	474,276	38	—	—	8		
Oregon	713,577	47	720,342	47	77,357	5		7	
Pennsylvania	2,281,127	46	2,485,967	51	103,392	2		23	
Rhode Island	130,555	32	249,508	61	25,052	6		4	
South Carolina	785,937	57	565,561	41	20,200	1	8		
South Dakota	190,700	60	118,804	38	—	—	3		
Tennessee	1,061,949	51	981,720	47	19,781	1	11		
Texas	3,799,639	59	2,433,746	38	137,994	2	32		
Utah	515,096	67	203,053	26	35,850	5	5		
Vermont	119,775	41	149,022	51	20,374	7		3	
Virginia	1,437,490	52	1,217,290	44	59,398	2	13		
Washington	1,108,864	45	1,247,652	50	103,002	4		11	
West Virginia	336,475	52	295,497	46	10,680	2	5		
Wisconsin	1,237,279	48	1,242,987	48	94,070	4		11	
Wyoming	147,947	68	60,481	28	4,625 ²	2	3		
Total	50,456,002	47.87%	50,999,897	48.38%	2,882,955	2.74%	271	266	

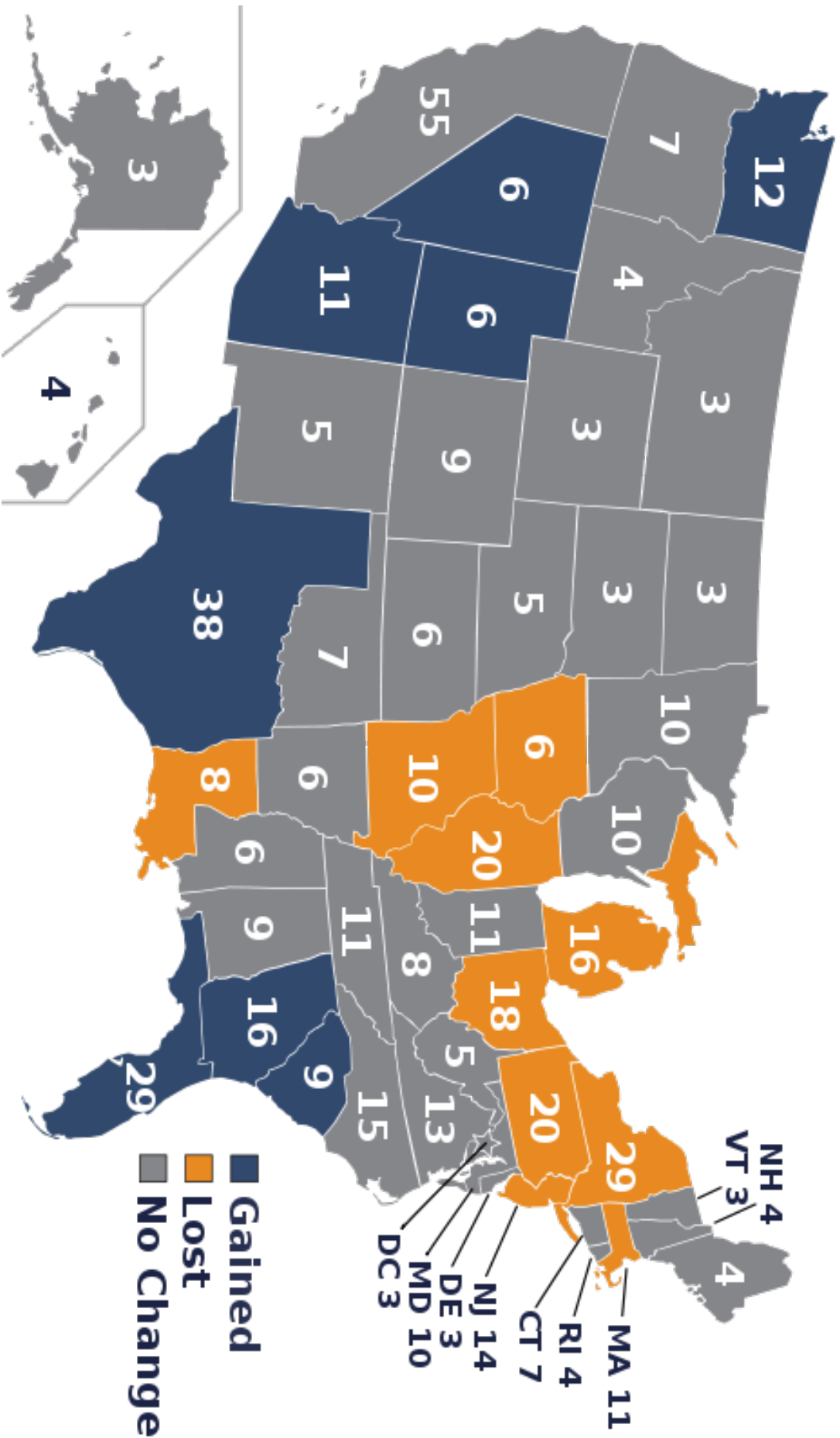
NOTE: Total electoral votes = 538. Total electoral votes needed to win = 270. Dash (—) indicates not on ballot.

Percentages may not add up to 100% due to rounding and other candidates.

1. The District of Columbia has 3 votes. There was 1 abstention.

2. Write-in votes.

(source: <http://www.infoplease.com/ipa/A0876793.html>)



Name: _____

Comparing the Framers' Methods of Election

Directions: Using the articles provided, complete following graphic organizer and reading comprehension questions.

Possible Methods of Electing a President	Advantages	Disadvantages
1) Congress chooses the President		
2) State Legislatures choose the President		
3) President is elected by direct/popular vote		
4) Electoral College		

Answer:

1. How many electors are there and how are they chosen?
2. Explain the “winner-take-all” system.
3. What is a “faithless elector?” What is the potential problem with this type of elector?
4. Based on what you have learned, do you think the Electoral College is the best way to determine elections, or would another system work better? Explain.

Comparing the Framers' Methods of Election (Teacher's Guide)

Possible Methods of Electing a President	Possible Advantages	Possible Disadvantages
1) Congress chooses the President	<ul style="list-style-type: none"> -ensures that "reasonably informed" people are voting -Congress is supposed to represent the people -less chance of miscounting/easier to coordinate -ensures states are adequately represented by population 	<ul style="list-style-type: none"> -suspicion of possible corruption, i.e. bribes -fears of dividing the Congress -fear of upsetting balance of power
2) State Legislatures choose the President	<ul style="list-style-type: none"> -gives equal representation to people -less chance of miscounting/easier to coordinate 	<ul style="list-style-type: none"> -fear that Federal authority would be compromised in exchange for votes (might weaken executive branch)
3) President is elected by direct/popular vote	<ul style="list-style-type: none"> -representatives don't always "represent" accurately -avenue for majority rule -ensures that vote is actually for intended candidate 	<ul style="list-style-type: none"> -impractical; difficult to get everyone's vote -way too much room for error and/or corruption (think Florida, 2000)
4) Electoral College	(see pros in Article #1)	(see cons in article #1)

1. There are 538 total. Each state is allocated a number of Electors equal to the number of its U.S. Representatives (which is based on population) plus its two senators (in NC the total electoral votes is 15). The political parties of each state submit a list of individuals pledged to their candidates for president that is equal in number to the number of electoral votes for the state to the State's chief election official. Each party determines its own way of choosing its electors.
2. A method of counting votes where the candidate who wins the most votes wins the entire allotment of Electoral College votes for that state
3. An Elector who goes against the popular vote in a state.

What is the Electoral College???

Santa Cruz County Elections Department

March 2000

Origins of the Electoral College

Members of the Constitutional Convention explored many possible methods of choosing a president. One suggestion was to have the Congress choose the president. A second suggestion was to have the State Legislatures select the president. A third suggestion was to elect the president by a direct popular vote. The first suggestion was voted down due to suspicion of corruption, fears of irrevocably dividing the Congress and concerns of upsetting the balance of power between the executive and the legislative branches. The second idea was voted down because the Framers felt that federal authority would be compromised in exchange for votes. And the third idea was rejected out of concern that the voters would only select candidates from their state without adequate information about candidates outside of the state. The prevailing suggestion was to have a College of Electors select a president through an indirect election. Originally, the purpose of the College of Electors was to have the most knowledgeable and informed individuals from each state of the Union cast their votes for the president assuming that they voted solely on the basis of merit.

Throughout its history, the Electoral College has gone through only two major changes. In the first design of the Electoral College:

- Each State's Electors numbered their two U.S. Senators (2) plus its number of U.S. Representatives.
- The State's selected the manner in which their Electors were chosen, however members of Congress and federal employees were prohibited from serving as Electors.
- Electors were required to meet in their state.
- Each elector was required to cast two votes for the president and at least one of those votes had to be for a candidate outside of their state.
- The candidate with the most electoral votes became president and the candidate who received the next greatest number of electoral votes became vice president.

This system was meant to work in a system without political parties and national campaigns and the introduction of which forced a couple features of the Electoral College to change.

The second design of the Electoral College came about in the presidential election of 1800 when the Electors of the Democratic-Republican Party gave Thomas Jefferson and Aaron Burr an equal number of electoral votes. The tie breaking decision was made in the House of Representatives resulting in the election of Thomas Jefferson. To prevent a tie from occurring again, the 12th Amendment was passed requiring each elector to cast only one vote for the office of president and another for the office of vice president. The 12th Amendment also states that if no one receives an absolute majority of electoral votes for president the House of Representatives will cast the deciding vote from the top three candidates.

Pro's and Con's of the Electoral College

In its over 200 year history, the electoral college has received its share of criticism and praise. The following is a list of the most frequently made comments of the Electoral College.

Pro's:

- Requires a distribution of popular support to be elected president- the winning candidate must demonstrate both a sufficient popular support to govern as well as a sufficient distribution of that support to govern
- Strengthens the status of minority groups- the votes of small minorities within a state may make the difference between winning all of a state's electoral votes or none of them.
- Enhances the political stability of the nation by promoting a two-party system- protects that presidency from impassioned but transitory third party movements and forces the major parties to absorb the interests of minorities.
- Maintains the federal system of government and representation

Con's:

- There is a possibility of electing a minority president- one way for this to happen would be if the country was so deeply divided politically that three or more presidential candidates split the vote and no one obtained a necessary majority
- There is a risk of having "faithless" Electors- Electors who won't be loyal to their party or candidate
- The Electoral College may depress voter turnout- because each state is only entitled to so many electoral votes regardless of voter turnout, there is no incentive for states to encourage voter participation
- Does not accurately reflect the national popular will because it does not elect a candidate by a direct popular vote

How many electoral votes does each state have? (Updated to reflect the 2010 census)

AL: 9	GA: 16	MD: 10	NJ: 14	SC: 9
AK: 3	HI: 4	MA: 11	NM: 5	SD: 3
AZ: 11	ID: 4	MI: 16	NY: 29	TN: 11
AR: 6	IL: 20	MN: 10	NC: 15	TX: 38
CA: 55	IN: 11	MS: 6	ND: 3	UT: 6
CO: 9	IA: 6	MO: 10	OH: 18	VT: 3
CT: 7	KS: 6	MT: 3	OK: 7	VA: 13
DE: 3	KY: 8	NE: 5	OR: 7	WA: 12
DC: 3	LA: 8	NV: 6	PA: 20	WV: 5
FL: 29	ME: 4	NH: 4	RI: 4	WI: 10
				WY: 3

TOTAL: 538

The Electoral College Today

- Each state is allocated a number of Electors equal to the number of its U.S. Representatives plus its two senators.

- The political parties of each state submit a list of individuals pledged to their candidates for president that is equal in number to the number of electoral votes for the state to the State's chief election official. Each party determines its own way of choosing its electors.
- Members of the Congress or employees of the Federal government are prohibited from serving as Electors.
- After the parties hold their caucuses and the states hold their primaries, the major parties nominate their candidate for the Office of President. The names are then submitted to the state's chief election official (in CA, the Secretary of State) as they will appear on the general election ballot.
- On the Tuesday following the first Monday of the month of November, registered voters in each state cast their ballots for the Office of President and Vice President.
- Whichever presidential candidate gets the most popular votes in a State wins all of the Electors (known as "*winner takes all*") for that state except for the states of Maine and Nebraska which award electoral votes proportionately.
- On the Monday following the second Wednesday of December, each state's electors meet in their respective state and cast their electoral votes (one for President and one for Vice President).
- Each Elector must cast at least one of their two votes (see above) for a person outside of their state in order to prevent the election of a president and vice president from the same state (however, the presidential and vice presidential candidates choose each other as running-mates and are on the same ticket in the popular vote).
- The electoral votes are sealed and sent to the President of the U.S. Senate and are read aloud to both Houses of Congress on January 6.
- The candidate with the most electoral votes, provided there is an absolute majority (over one half of the total vote) is declared president.
- If no one candidate receives an absolute majority of electoral votes the U.S. House of Representatives selects the President from the top three vote-getters.
- On January 20, at noon, the elected president and vice president are sworn into office.

Does My Vote Count? Understanding the Electoral College

by David Walbert, LEARN NC

<http://www.learnnc.org/lp/media/lessons/davidwalbert7232004-02/electoralcollege.html>

No, the electoral college is not the worst team in the ACC. It's the group of people who actually elect the president of the United States. How the electoral college works is one of the more complicated parts of the American electoral process — or can be, at least, when things don't go smoothly. This guide will explain how the electoral college works; discuss the origins and development of the electoral college as some controversial elections; and examine how much your vote actually "weighs" in an election.

I. How the electoral college works

The people of the United States elect a president every four years, but not directly. Here's how it works.

1. In November of a presidential election year, each state holds an election for president in which all eligible citizens may vote. Citizens vote for a "ticket" of candidates that includes a candidate for president and a candidate for vice president.
2. The outcome of the vote in each state determines a slate of *electors* who then, in turn, make the actual choice of president and vice president. Each state has as many electors as it has senators and members of the House of Representatives, for a total of 538. (The District of Columbia gets three electors even though it has no representation in Congress.)
3. In December, the electors meet in their respective state capitols to cast their ballots for president and vice president. States may or may not require their electors to vote with the popular majority, and they may or may not give all of their electors to the winner of the statewide popular vote.
4. These ballots are opened, counted, and certified by a joint session of Congress in January.

If no candidate wins a majority of the electoral votes or if the top two candidates are tied, the House of Representatives selects a president from among the five candidates with the most votes. Each state's delegation has a single vote. The Senate selects a vice president by the same process. (This hasn't happened since 1876, but it almost happened in 2000.)

What does this mean in practice? It means, as everyone learned or was reminded in 2000, that the candidate who receives the most votes nationwide does not necessarily become president. There is no national election for president, only separate state elections. For a candidate to become president, he or she must win enough state elections to garner a majority of electoral votes. Presidential campaigns, therefore, focus on winning states, not on winning a national majority.

It also means that — at least in theory — electors can thwart the popular will and vote for a candidate not supported by the voters of their state. In practice, however, electors are pledged to cast their votes in accordance with the popular vote, and "faithless electors" who go against the popular vote are extremely rare. Had there been a faithless elector in 2000, however, Al Gore might have become president! (See the historical perspective below for more about this.)

II. Why not a popular vote?

When we're debating whether some aspect of the Constitution makes sense, it's useful sometimes to think of the Constitution as an experiment — as a work in progress. Some of its original framers referred to it that way, as a Great Experiment in democracy. In 1787, no republic like the United States existed anywhere in the world. The "founding fathers" were making things up as they went along, looking at history, philosophy, and what they did and didn't like about existing governments in Europe and America. And not all of them agreed — in fact, many of them disagreed completely, even on important issues such as how much power the people should have.

The electoral college was a compromise on two important issues. The first was how much power the people should have, and the second was *how much power small and large states should have*.

Power to the people?

In 1787, it wasn't at all clear whether democracy would work. In fact "democracy" was a bit of a dirty word in some people's minds: it raised fears of mob rule, as in fact had happened in a few places during and after the Revolution. The United States was intended as a *republic*, in which the people would govern themselves only through elected representatives.

Because the role of the president was so important, most of the framers thought that the people couldn't be trusted to elect the president directly. Instead, they should elect *electors*, who would convene as a "college of electors" to consider the available candidates and pick the best man for the job.

Power to the states!

Before the Revolution, the British colonists didn't have much consciousness of being *Americans*. They may have identified themselves instead with the British Empire and with their own colonies. Even after the Revolution, loyalty to one's state often still came first. The Constitution was intended to unite the states under a single national government — but not entirely. Small states like New Jersey feared that if they formed a union with the other twelve states, they'd be swallowed up under the influence of more populous states like Virginia and New York. Virginia and New York, of course, thought that they should have the most influence. That's why the states have equal representation in the Senate but representation by population in the House of Representatives: it's a compromise that allowed large states to get their due but still allowed small states to keep their identities and fight for their interests.

When it came to voting for president, the framers of the Constitution decided that the states should do the voting, not the people. Remember, there was no consciousness of the United States as a single nation; it was, literally, a union of separate states. So voting for president was to take place by state, so that each state could have its say. The compromise between big and small states was extended to the Electoral College, so that each state has as many electors as it has senators and members of the House of Representatives combined. Big states still have the most influence, but small states aren't completely lost in the national vote.

A work in progress

It was up to the states to decide how they ought to vote for their electors — and to a great extent still is, in fact. There is no national election for president, but rather fifty-one separate elections, one in each state and one in the District of Columbia. In the beginning, state legislatures voted for electors, who in turn voted for the president and vice president. Electors were free to vote for the candidate of their choice, but over time they were increasingly elected because they supported a particular candidate. By 1832, every state but South Carolina held direct elections for president, and electors were effectively bound to vote for a particular candidate. (South Carolina held out until 1864.)

Today, of course, every state allows citizens to vote directly for electors — as represented on the ballot by the candidates with which they are associated — but the electors are still not legally bound to vote for any particular candidate. An elector could, in theory, throw his or her vote to any candidate! Since each candidate has his or her own slate of electors, however, and since the electors are chosen not only for their loyalty but because they take their responsibility seriously, this almost never happens. (It last happened in 1988, when it had no impact on the outcome of the election.) Some states have laws requiring electors to cast their votes according to the popular vote.

In addition, a state doesn't have to throw all of its electors behind the candidate that receives the most popular votes in that state. Two states, Maine and Nebraska, assign one elector to the winner of each Congressional district and the remaining two electors to the candidate with the most votes statewide. After the 2000 election, there was some debate about whether that system would be more fair than the winner-take-all system used by the other 48 states and the District of Columbia.

The original Constitution also didn't take into account the development of political parties. Electors were to vote for two candidates for president. The man with the highest number of votes that was a majority became president, and the man with the second highest number of votes became vice president. In 1800, however, the Democratic-Republican Party nominated Thomas Jefferson for president and Aaron Burr for vice president, and because there was no separate voting for the two offices, the two men tied in the Electoral College. The House of Representatives had to decide the issue. Afterwards, the 12th Amendment to the Constitution was passed, changing the system to the one described in [part I](#), above.

III. The people vs. the electors (more historical perspectives)

As everyone learned or was reminded of in the election of 2000, the Constitution doesn't say that the candidate with the most popular support has any claim on the Presidency. It says that the candidate with the most electoral votes will become president. So George W. Bush won the election fair and square, by the rules set forth in the Constitution. Actually, the last president to be elected by a majority of the voters was George H. W. Bush in 1988. In 1992 and 1996, Bill Clinton won with a plurality — more than any other candidate, but less than half of the total vote — because there were three major candidates. Because the third candidate, H. Ross Perot, failed to win a majority anywhere, he didn't win any electoral votes, and Clinton was able to win a majority of the electoral votes without winning a majority of the popular vote.

George W. Bush wasn't the first candidate to become president despite losing the popular vote, either. It also happened in 1824, 1876, and 1888, and each time, a debate ensued about whether the outcome was fair or right.

- In 1824, Andrew Jackson won the most popular votes (at least in states where popular elections were held), but no candidate won a majority of the electoral votes. The House of Representatives selected John Quincy Adams as president. (Jackson won the election four years later.)
- In 1876, Democratic candidate Samuel Tilden narrowly won the popular vote over Republican candidate Rutherford B. Hayes, but twenty contested electoral votes prevented either man from winning a majority of electors. In a compromise that ended the federal occupation of the South that had begun after the Civil War, Congress certified all twenty contested votes as having been cast for Hayes.
- In 1888, Republican Benjamin Harrison easily won a majority of the electoral vote despite losing the popular vote to his opponent, Democrat Grover Cleveland. Cleveland's support was largely regional: he won large majorities in several southern states, which raised his popular vote totals but won him few electoral votes. Harrison won narrow majorities in most other states, however, and won the electoral vote 233 to 168.
- And in 2000, Democrat Al Gore won a narrow plurality of the popular vote but lost the electoral vote to Republican George W. Bush, 271 to 266. The vote was so close that Gore, thinking he had lost, conceded, then retracted his concession as more votes were counted. Because the vote in Florida, a decisive state, was so close, multiple recounts were held, and the Supreme Court had to settle a lawsuit over whether recounts should continue.

IV. Does my vote count?

Yes, your vote counts. Some people have complained since 2000 that if the winner of the popular vote doesn't become president, their vote doesn't really count, so why vote at all? But every vote does count; it just counts in a more complicated way. When you vote for president, remember that you're voting in a state election, not a national election. So your vote counts just as much as anyone else's in your state — but it may count more or less than that of someone living in another state!

What's a vote worth?

Why does the actual weight of your vote vary by state? Remember that every state gets a number of electors that is the total of all of its representatives in Congress, both in the House of Representatives and in the Senate. The House of Representatives is divided approximately by population — big states have the most representatives, small states have the fewest — but every state has exactly two senators, regardless of size. That means that while big states have more electors than small states, they don't have as many more as they would based on population alone.

Consider three states: California (the state with the biggest population), North Carolina (a medium-sized state), and Alaska (with one of the smallest populations). This table shows their population and number of electoral votes in 2010. The fourth column shows the number of residents per elector (population divided by electoral votes), and the last column shows the weight of an individual vote in the given state — that is, how the number of residents per elector compares to the national average.

	Population	Electoral votes	Residents per elector	Weight of vote
California	37,253,956	55	677,344	0.84
North Carolina	9,535,483	15	635,698	0.90

Alaska	710,231	3	236,743	2.42
United States	308,745,538	538	573,876	1.00

As you can see, Alaska, a very small state, has far fewer residents per electoral vote than the national average, so individual votes cast in Alaska count more than the national average — twice as much, in fact! A voter in California has a little less influence than the average American, about 84% as much. A voter in North Carolina has about 90% the influence of the average American. (You can calculate *weight of vote* in a given state by dividing the national average of residents per elector by that state's residents per elector. Since we're comparing each state to the national average, the weight of vote for the entire United States is exactly 1.)

A paradox

While every American's vote counts, then, your vote counts more if you live in a small state like Alaska than it does if you live in a big state like California. This seems like a paradox, because clearly a big state *as a whole* has more influence than a small state. If you're running for president, you are more concerned about winning California, with its 54 electoral votes, than you are about winning Alaska with its 3 electoral votes. As a matter of strategy, you'd probably spend more time and money campaigning in the big states than in smaller states. As a result, residents of big states tend to get more attention in presidential elections than residents of small states, and so small-staters may feel left out and unimportant. Yet in reality, each individual voter has less influence in a big state than in a small state.

Source: <http://www.learnnc.org/lp/media/lessons/davidwalbert7232004-02/electoralcollege.html>

Note: "Residents Per Elector" Chart Updated by the NC Civic Education Consortium to reflect the 2010 Census.

The Bayh-Celler Amendment

The closest the country has ever come to abolishing the Electoral College occurred during the 91st Congress. The presidential election of 1968 ended with Richard Nixon receiving 301 electoral votes to Hubert Humphrey's 191. Yet, Nixon had only received 511,944 more popular votes than Humphrey, equating to less than 1% of the national total. George Wallace received the remaining 46 electoral votes with only 13.5% of the popular vote.

Representative Emanuel Celler, Chairman of the U.S. House of Representatives Judiciary Committee, responded to public concerns over the disparity between the popular vote and electoral vote by introducing House Joint Resolution 681, a proposed Constitutional amendment which would have abolished the Electoral College and replaced it with a system wherein the pair of candidates who won at least 40% of the national popular vote would win the Presidency and Vice Presidency respectively. If no pair received 40% of the popular vote, a runoff election would be held in which the choice of President and Vice President would be made from the two pairs of persons who had received the highest number of votes in the first election. The word "pair" was defined as "two persons who shall have consented to the joining of their names as candidates for the offices of President and Vice President."

On April 29, 1969, the House Judiciary Committee voted favorably, 28–6, to approve the proposal. Debate on the proposal before the full House of Representatives ended on September 11, 1969 and was eventually passed with bipartisan support on September 18, 1969, being approved by a vote of 339 to 70.

On September 30, 1969, President Richard Nixon gave his endorsement for adoption of the proposal, encouraging the Senate to pass its version of the proposal which had been sponsored as Senate Joint Resolution 1 by Senator Birch Bayh.

In its October 8, 1969 edition, the *New York Times* reported that 30 state legislatures were "either certain or likely to approve a constitutional amendment embodying the direct election plan if it passes its final Congressional test in the Senate." Ratification of 38 state legislatures would have been needed for adoption. The paper also reported that 6 other states had yet to state a preference, 6 were leaning toward opposition and 8 were solidly opposed.

On August 14, 1970, the Senate Judiciary Committee sent its report advocating passage of the proposal to the full Senate. The Judiciary Committee had approved the proposal by a vote of 11 to 6. The six members who opposed the plan, Democratic Senators James Eastland of Mississippi, John Little McClellan of Arkansas and Sam Ervin of North Carolina along with Republican Senators Roman Hruska of Nebraska, Hiram Fong of Hawaii and Strom Thurmond of South Carolina, all argued that although the present system had potential loopholes, it had worked well throughout the years. Senator Bayh indicated that supporters of the measure were about a dozen votes shy from the 67 needed for the proposal to pass the full Senate. He called upon President Nixon to attempt to persuade undecided Republican Senators to support the proposal. However, Nixon, while not renegeing on his previous endorsement, chose not to make any further personal appeals to back the proposal.

Open debate on the proposal finally reached the Senate floor on Tuesday, September 8, 1970, but was quickly faced with a filibuster. The lead objectors to the proposal were mostly Southern Senators and conservatives from small states, both Democrats and Republicans, who argued abolishing the Electoral College would reduce their states' political influence.

On September 17, 1970, a motion for cloture, which would have ended the filibuster, failed to receive the 67 votes, or two-thirds of those Senators voting, necessary to pass. The vote was 54 to 36 in favor of the motion. A second motion for cloture was held on September 29, 1970, this time failing 53 to 34, or five votes short of the required two-thirds. Thereafter, the Senate Majority Leader, Mike Mansfield of Montana, moved to lay the proposal aside so that the Senate could attend to other business. However, the proposal was never considered again and died when the 91st Congress officially ended on January 3, 1971.

Source: [http://en.wikipedia.org/wiki/Electoral_College_\(United_States\)](http://en.wikipedia.org/wiki/Electoral_College_(United_States))

After reading the above article, discuss the following questions in pairs:

- What prompted the introduction of the Bayh-Celler Amendment?
- What did the Bayh-Celler Amendment Propose?
- Who supported the Bayh-Celler Amendment? Who opposed the Bayh-Celler Amendment? Why?
- How did the arguments of both the supporters of the amendment and opponents of the amendment mirror those of the Founding Fathers?
- Why did the Bayh-Celler Amendment fail in the Senate? What is cloture?
- Do you agree with the Bayh-Celler Amendment or do you think the Electoral College should remain intact? Why or why not?