

## ***The Electoral College***

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Grade Level: 6-8

Objectives: Students will be able to:

- Explain why the Electoral College was included in the U.S. Constitution in 1787
- Identify the problems that have arisen with the Electoral College
- Take and defend a position on whether the Electoral College should be replaced by a national popular vote

### Background

When the founders compromised on the system of "Electors" from each state equal to the "Number of Senators and Representatives" (U.S. Constitution Art. II, Sec. 2) as the way to elect the president, no country in the world directly elected its chief executive. Most state governors were chosen by their state legislatures, but the Founders wanted the chief executive to be independent of the legislature. They also feared the public might be swayed by a demagogue and would not be well informed enough to be able to select the best candidate. There was concern about the large states dominating. And everybody assumed that George Washington would be the first president.

Problems with the Electoral College were evident immediately. Jefferson lost the election of 1796 by three electoral votes. In the 1800 election, there was a tie because the vote for president and vice-president had not been differentiated in the Constitution, and the choice was turned over to the House of Representatives. In 1804, the 12th Amendment was passed to correct this.

The method of allocating the Electoral votes was left to each state and the states experimented with different approaches but soon almost all settled on "winner-take-all," which effectively stripped all influence from political minorities within states and delivered the presidency to a candidate who did not win the popular vote in 1824, 1876, 1888, 2000, and 2016.

Recognizing that the Electoral College could result in a president elected by less than a majority due to third party candidates or "winner-take-all" negating the popular vote, Congressional resolutions to change to a (Congressional) district system, proportional system (votes allocated in each state based on amount each candidate received in that state) or a direct popular vote have been put forward on a regular basis since 1816. But Congress has never been able to change the way we elect the U.S. president because of partisan politics, sectional differences, fear of "the masses", or reluctance to relinquish perceived advantages that small states had from two Senators or large states had from their large number of Electoral votes. Even during the Progressive Era and the New Deal periods of significant social and political reform, the presidential election was never high on the agenda of reformers.

### Is the Electoral College fair?

In 1948, one vote in New York was worth 100 votes in Texas (how things have changed since then!). Gallup Polls during the late 1940s indicated that 58% of American favored a proportional vote and

President Truman endorsed the idea. But a Congressional resolution to do this went nowhere because of fear that it would weaken the political parties and infringe on states' rights to determine voting. It also met with the issue of civil rights.

The U.S. Supreme Court's embrace of the principle of "one person one vote" and passage by Congress of the Voting Rights Act brought the idea of a national popular vote center stage in the 1960s. A resolution to replace the Electoral College with a direct popular vote came closest to being passed in 1970. It had bipartisan support but still failed to pass both houses. During the debate in 1970, Howard Baker, Republican from Tennessee, summed up the argument for a national popular vote succinctly: "the paramount issue...is the fundamental right of every citizen to cast a vote that has no more weight nor no less weight than that of every other citizen."

In 2016, one Electoral vote in Wyoming represented 190,000 citizens; in California one Electoral vote represented 680,000 citizens. The difference created by the Electoral College has grown dramatically, making it even more unfair.

#### Critical Thinking Activity: Is the Electoral College Fair?

Compare Handout One: The Electoral College Map with the Handout Two: The Population of U.S. States and Territories (Population per electoral vote column) and draw conclusions about the fairness of the Electoral College.

Activity: Take and defend a position.

Divide your class in half. Have half of your class research and prepare arguments for maintaining the Electoral College. Have the other half of your class research and prepare arguments for abolishing or modifying the Electoral College. Have students make oral arguments in defense of the Electoral College or for the abolition of the Electoral College.

#### Alternative Activity: Identify the strongest and weakest arguments

Have a class discussion identifying the strongest and weakest arguments for keeping the Electoral College, abolishing it and instituting a direct popular vote, and other voting reforms. Also consider which system might be better for New Jersey.

#### **Arguments for maintaining the Electoral College:**

1. The Founding Fathers enshrined the Electoral College in the US Constitution because they thought it was the best method to choose the president. Using electors instead of the popular vote was intended to safeguard against uninformed or uneducated voters by putting the final decision in the hands of electors most likely to possess the information necessary to make the best decision; to prevent states with larger populations from having undue influence; and to compromise between electing the president by popular vote and letting Congress choose the president. The Founders wanted to balance the will of the populace against the risk of "tyranny of the majority," in which the voices of the masses can drown out minority interests.
2. The Electoral College ensures that all parts of the country are involved in selecting the President of the United States. If the election depended solely on the popular vote, then candidates could limit

campaigning to heavily-populated areas or specific regions. Without the Electoral College, groups such as Iowa farmers and Ohio factory workers would be ignored in favor of metropolitan areas with higher population densities, leaving rural areas and small towns marginalized.

3. The Electoral College guarantees certainty to the outcome of the presidential election, avoiding the possibility of a need for a run-off. If the election were based on popular vote, it would be possible for a candidate to receive the highest number of popular votes without actually obtaining a majority. This happened with President Nixon in 1968 and President Clinton in 1992, when both men won the most electoral votes while receiving just 43% of the popular vote due to third party candidates. The existence of the Electoral College precluded calls for recounts or demands for run-off elections.
4. The electoral process can also create a larger mandate to give the president more credibility. For example, President Obama received 51.3% of the popular vote in 2012 but 61.7% of the electoral votes. In 227 years, the winner of the popular vote has lost the electoral vote only five times.

#### **Arguments for abolishing the Electoral College:**

1. The reasons the Founding Fathers created the Electoral College are no longer relevant. Modern technology and political parties enable voters to get necessary information to make informed decisions in a way that could not have been foreseen in 1787. As a result of Constitutional amendments, women and former slaves were given the right to vote, and Senators, once appointed by state legislatures, are now elected directly by popular vote. The vice presidency was once awarded to the runner up in electoral votes, but the procedure was changed over time to reflect the reality of elections. Just as several voting laws that limited direct democracy in the Constitution have been modified or discarded throughout history, so should the Electoral College.
2. The Electoral College gives too much power to "swing states" and allows the presidential election to be decided by a handful of states. The two main political parties can count on winning the electoral votes in certain states, such as California for the Democratic Party and Indiana for the Republican Party, without worrying about the actual popular vote totals. Because of the Electoral College, presidential candidates only need to pay attention to a limited number of states that can swing one way or the other. A Nov. 6, 2016 episode of *PBS NewsHour* revealed that "Donald Trump and Hillary Clinton have made more than 90% of their campaign stops in just 11 so-called battleground states. Of those visits, nearly two-thirds took place in the four battlegrounds with the most electoral votes — Florida, Pennsylvania, Ohio, and North Carolina."
3. The Electoral College ignores the will of the people. There are over 300 million people in the United States, but just 538 people decide who will be president. In 2016, Hillary Clinton won the popular vote by more than 2.87 million votes, yet still lost the election on electoral votes. The U.S. is the only democracy in the world where a presidential candidate can get the most popular votes and still lose the election. If the president were elected by popular vote, every voter's ballot would be given equal weight, or influence, over the outcome and we will have majority rule. Why should "one person, one vote" be required for state legislative districts (See *Baker v. Carr*), but not in presidential elections?
4. Having a president who loses the popular vote undermines electoral legitimacy. Putting an election into the House of Representatives where each state delegation has one vote increases the odds of

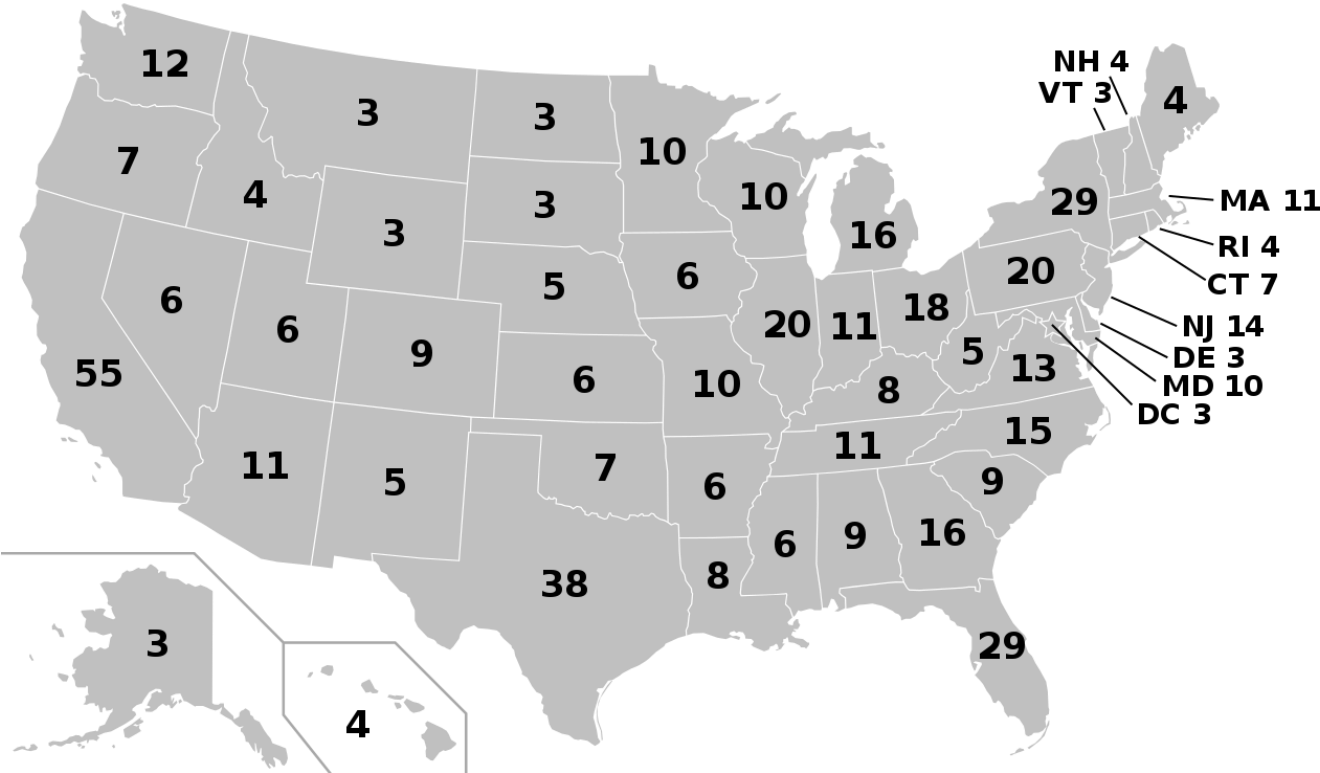
insider dealings and corrupt decisions. Allegations of balloting irregularities that require an Electoral Commission to decide the votes of contested states do not make the general public feel very confident about the integrity of the process. And faithless electors could render the popular vote moot in particular states.

5. At a time of high income inequality and substantial geographical disparities across states, there is a risk that the Electoral College will systematically over-represent the views of relatively small numbers of people due to the structure of the Electoral College. Most of the country's economic activity is on the East Coast, West Coast, and a few metropolitan areas in between (15 percent of American counties generate 64 percent of America's gross national product). The prosperous parts of America include about 15 states having 30 senators while the less prosperous areas encapsulate 35 states having 70 senators. (See Brookings [Metropolitan Policy Program study](#)). The 35 states with smaller economic activity have disproportionate power to choose presidents and dictate public policy.

### Assessment



Have each student write a short essay taking a position about the Electoral College and making a persuasive argument about its continuation or need for reform.























**Handout One: Number of Votes by State in the Electoral College (2020)**



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## Handout Two: State and Territory Populations

Rank in 2020	Rank in 2010	State	Census Population April 1, 2020	Census population, April 1, 2010	Percent change, 2010–2020	Est. percent of total U.S. population, 2020	# Members House of Representatives	Pop. per electoral vote 2020
1	1	 California	39,538,223	37,253,956	6.1%	11.80%	52	715,783
2	2	 Texas	29,145,505	25,145,561	15.9%	8.70%	38	698,488
3	4	 Florida	21,477,737	18,801,310	14.6%	6.43%	28	749,425
4	3	 New York	20,201,249	19,378,102	4.2%	6.03%	26	666,785
5	6	 Pennsylvania	13,002,700	12,702,379	2.4%	3.88%	17	639,163
6	5	 Illinois	12,812,508	12,830,632	-0.1%	3.82%	17	629,377
7	7	 Ohio	11,799,448	11,536,504	2.3%	3.52%	15	649,623
8	9	 Georgia	10,711,908	9,687,653	10.6%	3.20%	14	669,376
9	10	 North Carolina	10,439,388	9,535,483	9.5%	3.12%	14	706,722
10	8	 Michigan	10,077,331	9,883,640	2.0%	3.01%	13	622,910
11	11	 New Jersey	9,288,994	8,791,894	5.7%	2.77%	12	634,455
12	12	 Virginia	8,631,393	8,001,024	7.9%	2.58%	11	660,813
13	13	 Washington	7,705,281	6,724,540	14.6%	2.30%	10	641,134
14	16	 Arizona	7,151,502	6,392,017	11.9%	2.13%	9	674,673
15	14	 Massachusetts	7,029,917	6,547,629	7.4%	2.10%	9	626,689
16	17	 Tennessee	6,910,840	6,346,105	8.9%	2.06%	9	626,076
17	15	 Indiana	6,785,528	6,483,802	4.7%	2.02%	9	614,087
19	18	 Missouri	6,154,913	5,988,927	2.8%	1.84%	8	605,580
18	19	 Maryland	6,177,224	5,773,552	7.0%	1.84%	8	615,155
20	20	 Wisconsin	5,893,718	5,686,986	3.6%	1.84%	8	583,266
21	22	 Colorado	5,773,714	5,029,196	14.8%	1.72%	8	645,302
22	21	 Minnesota	5,706,494	5,303,925	7.6%	1.70%	8	565,734s
23	24	 South Carolina	5,118,425	4,625,364	10.7%	1.53%	7	579,782
24	23	 Alabama	5,024,279	4,779,736	5.1%	1.50%	7	546,837
25	25	 Louisiana	4,657,757	4,533,372	2.7%	1.39%	6	580,665
26	26	 Kentucky	4,505,836	4,339,367	3.8%	1.35%	6	559,656
27	27	 Oregon	4,237,256	3,831,074	10.6%	1.26%	6	605,930
28	28	 Oklahoma	3,959,353	3,751,351	5.5%	1.18%	5	568,683
29	30	 Connecticut	3,605,944	3,574,097	0.9%	1.08%	5	508,144
31	35	 Utah	3,271,616	2,763,885	18.4.0%	0.92%	4	541,647

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30	29	 Puerto Rico	3,285,874	3,725,789	-11.8%	0.98%	1*	-
32	31	 Iowa	3,190,369	3,046,355	4.7%	0.95%	4	527,260
33	36	 Nevada	3,104,614	2,700,551	15.0%	0.93%	4	523,043
34	33	 Arkansas	3,011,524	2,915,918	3.3%	0.90%	4	505,087
35	32	 Mississippi	2,961,279	2,967,297	-0.2%	0.88%	4	494,464
36	34	 Kansas	2,937,880	2,853,118	3.0%	0.88%	4	485,634
37	37	 New Mexico	2,117,522	2,059,179	2.8%	0.63%	3	421,264
38	39	 Nebraska	1,961,504	1,826,341	7.4%	0.59%	3	387,510
39	40	 Idaho	1,839,106	1,567,582	17.3%	0.55%	2	456,728
40	38	 West Virginia	1,793,716	1,852,994	-3.2%	0.54%	2	356,957
41	41	 Hawaii	1,455,271	1,360,301	7.0%	0.44%	2	351,752
42	43	 New Hampshire	1,377,529	1,316,470	4.6%	0.41%	2	341,569
43	42	 Maine	1,362,359	1,328,361	2.6%	0.41%	2	337,535
45	45	 Montana	1,084,225	989,415	9.6%	0.32%	2	360,192
44	44	 Rhode Island	1,097,379	1,052,567	4.3%	0.33%	2	264,281
46	46	 Delaware	989,948	897,934	10.2%	0.30%	1	328,936
47	47	 South Dakota	886,934	814,180	8.9%	0.26%	1	297,572
48	49	 North Dakota	779,094	672,591	15.8%	0.23%	1	255,103
49	48	 Alaska	733,391	710,231	3.3%	0.22%	1	243,719
50	51	 District of Columbia	689,723	601,723	14.6%	0.21%	1*	237,605
51	50	 Vermont	643,077	625,741	2.8%	0.19%	1	207,782
52	52	 Wyoming	576,851	563,626	2.3%	0.17%	1	194,109

\*Non-voting member of the House of Representatives

Each state has a number of votes in the Electoral College equal to its number of senators (two) plus the number of representatives in the Congress. The District of Columbia has been granted 3 electoral votes.

[https://en.wikipedia.org/wiki/List\\_of\\_U.S.\\_states\\_and\\_territories\\_by\\_population](https://en.wikipedia.org/wiki/List_of_U.S._states_and_territories_by_population)