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The Electoral College and the Direct Popular Vote

Every four years, in early November, the American people momentarily leave their jobs, stop their studying, take breaks from cleaning the house, hand their kids over to babysitters, or take any other kind of hiatus in their day to go to the polls and vote for the President of the United States. The millions who vote, with a simple stroke of a pen, embolden the American ideal of democracy as they choose the man or woman whom they wish to be their leader. Yet the citizens of America are being deceived. Although they appear to be voting for a presidential candidate, they are actually voting for a list of people, and the voters probably have never spoken to, met, or even heard of any of the people on the list. The citizens are voting for the electoral college.

The Presidential election is indirect: the people vote for the electors, and the electors vote for the President. There are 538 electors in total: each state is allotted one for each of its members of Congress, both Senators and Representatives, so each state has a minimum of three; additionally, under the 23rd Amendment of the US Constitution, the District of Columbia is allotted three electors. The Constitution dictates that each state's legislature determines the method in which its state's electors are chosen; in most states, the people vote for a list of delegates who have pledged to vote for a certain candidate. The candidates' names, and not the names of the delegates, are what normally appear on the ballot. Whichever list wins the most votes is chosen to be that state's electors. In December, the electoral college cast their votes, which are counted in early January, and the President is inaugurated on January 20.

Yet even before the Constitution was ratified, many have criticized the electoral college system. After all, the President of the United States is the Chief Executive and the leader of America: to decide from many candidates with various political ideologies, experiences, interests,

and visions for the country is important and must reflect America's ideals of freedom, liberty, and democracy. A direct popular vote for the President, instead of the current electoral college, would strengthen America's democracy. The electoral college is obsolete and is no longer viable in a modern democracy. The electoral college forces presidential campaigns and elections to focus on the random states that happen to be a close race, ignoring numerous states and their populations. Furthermore, a direct vote would represent the American people better. And, finally, a direct vote would give more power to the people.

The electoral college is an archaic relic of the late 1700s that is no longer applicable to a modern American democracy. When writing the Constitution, the Founding Fathers had to make a compromise when deciding how to elect the President. In the text *The Origins of the Twelfth Amendment: The Electoral College in the Early Republic, 1787-1804*, Tadahisa Kuroda records that at the constitutional convention, the delegates "Madison, Wilson, Morris, and Rufus King had spoken favorably of direct popular vote. . . . Their decision to support presidential electors derived from their opposition to legislative choice" (11). Furthermore, the Constitution that was ratified in 1789 "was not quite what any one group wholly wanted" (8), as it was full of compromises between various interests and political ideologies. It is clear, however, that there is no longer a need for a compromise between direct popular vote and legislative choice; in modern times, talk of a direct vote for the President resurges continually, whereas the idea of Congress choosing the President is foreign. Additionally, the electoral college was a compromise between states with large slave populations and those with little or none. The US Constitution dictates that the number of representatives each state has in the electoral college shall be "according to their respective numbers, which shall be determined by adding to the whole number of free persons . . . three fifths of all other persons," or slaves (US Const., art. 1, sec. 2). If the President was elected by a direct vote, the southern states argued, the vast numbers of slaves would not be represented at all, as they

could not vote, weakening slave states. This Three Fifths Compromise, however, is obsolete because there are no longer slaves in the United States and blacks now have the right to vote. As the electoral college was a compromise made in the late 18th Century between a popular vote and other options that are no longer viable today, the compromise of the electoral college is outdated.

The Founding Fathers also used the electoral college to solve issues that are no longer relevant today. In order to elect a president through a national vote, the new government would have to take a census to register voters, and "a national election would be expensive and time consuming" for a brand new government (Kuroda 9). Because each state legislature determines how its state's electors are picked, the new federal government could avoid these complications in an already tense time. However, these obstacles no longer exist today: a census is taken every ten years, a plethora of citizens register to vote every year, and, in practice, though not technically, national elections are financed every four years. Also, William C. Kimberling in the article "The Electoral College" explains that the Founding Fathers "feared that without sufficient information about candidates from outside their State," due to slow communication in the late eighteenth century, "people would naturally vote for a 'favorite son' from their own State or region" (Kimberling). Utilizing the radio, television, and Internet, presidential candidates today have no problem informing the country about their campaigns. While the electoral college addressed important issues, those issues are no longer relevant, so the electoral college is obsolete.

The electoral college has forced presidential campaigns and elections to focus on a few, random states rather than the country as a whole. According to *Google Maps' "2008 Elections Gallery,"* in the last two critical weeks of the 2008 presidential campaign, candidates John McCain and Barack Obama visited Colorado four times, Virginia six times, Florida nine times, and Ohio twelve times ("2008"), all because they were battleground states with a fair number of electoral votes. However, the two candidates during that time never visited California, Texas, or New York,

despite the fact that they are the three most populous states in the country. Furthermore, neither candidate traveled to Montana nor to North Dakota, even though the *CNN* online map "Election Center 2008" deemed them both a "battleground state" ("Election"); the candidates' absence is probably because of the fact that both states have a measly three electors each. Therefore, the electoral college forces presidential hopefuls to focus and try to persuade close states with a substantial number of electoral votes, and all other states are widely ignored. If the President were selected by a direct vote, however, candidates would focus on all fifty states, instead of the few, because any extra votes in any location would be helpful, widening and strengthening the country's democratic system.

Because of the electoral college, close presidential elections can come down to one or a few states and therefore magnify any voting errors, irregularities, or fraud. According to the text *The American People: Creating a Nation and a Society*, edited by Gary B. Nash, in the election of 2000 Gore led Bush in the popular vote by about 450,000 votes (Nash 1096). By the end of election night, the media had projected the results in every state except Florida, which would decide the winner of the election. As the recount proceeded, run by Florida Secretary of State and co-chair of George Bush's campaign Katherine Harrison, Bush's lead in the state fluctuated but stayed within hundreds of votes; in December, however, the Supreme Court forced the Florida recount to stop, making Bush the winner. But the election debacles were not over in 2000: in 2004, the crisis was in Ohio. Sean Greene, in the article "Waiting in Line, Verifying the Vote: Ohio Elections in 2004 and 2006," describes how in many Ohio counties, "a jump in late [voter] registrations did not lead to a change in the number of available voting machines" (59). The long lines on election day, causing "from 5,000 to 15,000 people" to leave without voting, "occurred in the areas with large minority populations" (Greene 59). Because the electoral college magnified Florida's and Ohio's importance in 2000 and 2004, respectively, the winner of the elections was largely affected by the two states'

conflicts of interests, a recount that was stopped short, voter machine mismanagement, and the disenfranchisement of thousands. Because the President is currently chosen by many state elections, the chances of a tight race are higher, and therefore, the odds of an inaccurate count go up. However, if the President were elected by one national vote, the chance of a tight race would be much narrower, and one or two states would not be excessively important.

Changing presidential elections to a direct popular vote would represent the will of the people better. The electoral college system has flaws and irregularities that fail to accurately represent the people. The electoral college are chosen "in such manner as the Legislature [of each state] may direct" (US Const., art. 2, sec. 1); after several changes, forty-eight states now employ the winner-take-all method, while Nebraska and Maine divide their electors among congressional districts. In *The Electoral Primer*, by Lawrence D. Longley, the author notes that "if any state legislature should wish, however, it would have the right under the Constitution to take the choice of the electors away from the people" (95). This means that a state legislature has the right to choose the electors for itself, putting the choice of the Chief Executive even further away from the people. Even if the state legislature lets its people vote for the electoral college, as all fifty states currently do, a faithless elector can go against the will of the people. A faithless elector is a member of the electoral college who votes for a presidential candidate other than the winner of the state, or district in the case of Maine or Nebraska, he or she represents. In the text *You Call This an Election?: America's Peculiar Democracy*, Steven E. Schier explains that although "fifteen states have laws requiring electors to vote as pledged, the laws can only operate after the rogue vote is cast and the damage is done" (103). The fact that electors from thirty-five states can legally, and that those from fifteen can effectively, go against the will of the people is frightening and a serious flaw in America's democracy. Although faithless electors have never changed the outcome of an election, their existence is a serious stain on American democracy. Finally, if no candidate receives a

majority of the electors' votes, "the House of Representatives shall choose immediately, by ballot, the President" (US Const., amend. 12). Furthermore, if the House elects the President, "the votes shall be taken by states, the representation from each state having one vote" (US Const., amend. 12). This means that the states Wyoming and California have an equal vote, despite the fact that they have the least and largest population respectively. Having the House vote for President, and not the people, puts the Executive branch extremely far from the citizens and weakens a democracy that should be run by the people. The electoral college system has numerous irregularities that go against the will of the people and therefore weakens the country's democracy.

Furthermore, a direct vote would statistically represent the people better than the electoral college does. Because of the electoral college, in presidential elections, one vote in one state is not equal to one from another. For example, each elector from Texas represents about 235 thousand votes, whereas in Wyoming, each elector represents about only 80 thousand votes ("Election"). This means that 235 thousand Texas votes is equivalent to 80 thousand Wyoming votes, so a vote in Wyoming is about three times as powerful as a vote in Texas. Furthermore, the number of electors each state has is determined by the US Census, which is taken every ten years; therefore, population changes do not affect a state's representation for ten years (Longley 94). The fact that some votes can be drastically more powerful than others and the fact that population changes take years to influence presidential elections is quite undemocratic. Also, in the text *Voting for President: The Electoral College and the American Political System*, Wallace S. Sayre reports that in the early 1800s, many states switched to a winner-take-all method "to prevent diminution of their strength relative to that of other states" (28). Because of this, in forty-eight states, if one candidate wins a state, it does not matter how many votes the opponent wins, even if it is one or millions. In other words, the votes for the opponent makes no impact on the national election. For the presidential

election to be truly democratic, every vote must make a difference in the final results, and the direct popular vote would do just that.

The electoral college system completely fails to represent the will of the people when it elects someone who failed to win the most votes. The winner of the popular vote has failed to win the election three times in American history, which, according to Longley, causes "the authority of the presidency and the quality of American democracy [to] be undermined" (125). In the election of 1824, the first that Nash records the popular vote, Andrew Jackson won both the most elector's and people's votes. However, because he did not win the majority of the elector's votes, the election went to the House of Representatives, which elected John Quincy Adams. The Adams administration was "ill-fated" and was full of plans that "fell victim to sectional conflicts [and] political factionalism" (Nash 327); four years later, Adams was not re-elected and Jackson took control of the White House with his new party. In the election of 1888, Democratic incumbent Grover Cleveland won the popular vote but lost the electoral college's vote to Republican Benjamin Harrison. As President, Harrison was "undistinguished and . . . played a minor role in national life" (Nash 651). Harrison lost to Cleveland in the election of 1892, giving control of the White House back to the Democrats. The last election where the winner of the popular vote lost the election was in 2000, when Al Gore won about a half a million more votes but still lost to George W. Bush. After two long wars, a hurricane disaster, and a national economy falling apart, Bush has one of the lowest approval ratings in polling history and is considered by many to be the worst president in history. Voters responded in 2008 by electing Barack Obama, a member of the opposite party and a harsh critic of the Bush administration. The electoral college system sometimes fails to choose the candidate with the most votes, choosing mediocre and terrible presidents in the process; however, a direct popular vote would remedy this problem.

A direct vote for President would enhance the power of political third parties and consequently the power of voters. Currently, the electoral college weakens any third party candidates. In the election of 1992, H. Ross Perot, an independent, received nineteen percent of the popular vote, yet he did not get a single electoral vote (Nash 1093). Many third party candidates, including Perot in 1992 and Ralph Nader in 2000, may have "spoiled" an election by stealing enough votes from the front-runner so the latter loses the election. Because most people do not want to essentially waste their votes by voting for a third party candidate who has no chance of winning, they vote for one of the two front-runners. In other words, current elections favor the two-party system. However, most direct vote proposals include a runoff election in case no candidate receives a certain percentage of votes or majority of votes. Thus, no third party can "spoil" an election because if no candidate receives a certain portion of votes, there will be another election with only the two candidates with the most votes from the original election. Therefore, with a direct vote, people would be more willing to vote for third parties, strengthening them. This "would mean a new set of coalitions . . . with distinct social strongholds and philosophical boundaries" (Sayre 78). As noted by J. L. Moore in the article "Voter Turnout," these new parties would differ greatly from the current "Republican and Democratic Parties [which] usually espouse essentially middle-of-the-road policies" (Moore). Because each party in a multiple party system is more unique and different than the others, there is a better likelihood of a party representing a certain voter's opinion, and, with a direct election, that voter would be more willing to show his or her interests by voting for that party. This would empower the people by offering them more viable options on the ballot, and they would not have to compromise for a moderate party.

A direct popular vote would further empower citizens by increasing voter turnout. According to Moore, one reason for nonvoting is "a feeling that . . . an individual's vote will not matter." With the electoral college, in states that strongly lean towards one party, such as California

and Oklahoma, the citizens rightly feel that their presidential vote makes very little difference, and the dearth of interest in the safe states pushes away voters even further. Another reason people do not vote is that they have "a distrust of government" (Moore). Because the electoral college can give the Presidency to a candidate without the most votes, many citizens may choose not to vote after elections like those in 2000. Finally, "weak attachments to a political party" lower turnout even more (Moore). Because the electoral college favors the two and only two parties, which tend to be more moderate and broad, the electoral college helps decrease voter turnout. However, as a direct popular vote would solve all of these problems, a direct vote would increase voter turnout. Higher turnout empowers citizens because they have more of a say in the government, which is essential in a democracy. Ruy A. Teixeira explains in his text *The Disappearing American Voter* that high "participation in elections . . . [exposes] elites to signals from a relatively wide array of needs and interests" and therefore dilutes the effects of special interests that do not accurately represent the needs of the many (103). So, with low voter turnout, "the extent to which the government truly rests on the consent of the governed may be called into question," greatly weakening a democratic government (Teixeira 101).

There are many political scientists, historians, and politicians who support the electoral college system. One argument made for the electoral college is that it is part of the nation's governmental foundation; Kimberling argues that "a nationwide popular election for [P]resident would strike at the very heart of the federal structure laid out in our Constitution . . . -- to the detriment of the States." However, with the electoral college, even if an election is as close as a fraction of a percent within a state, all of the state's electors still go to only one candidate. This closeness in the election results, which happens in at least one state in almost every election, truly undermines the interest of the state. Furthermore, Sayre claims that with a direct vote, "there would be relatively less direct attention to populous states and metropolitan centers" (79). However, as

mentioned earlier, large states, such as California and Texas, and large cities, such as New York City and Chicago, are widely ignored during elections because of the electoral college. And those that worry that direct vote would cause candidates to leave the countryside and only campaign in big cities have no reason to worry: politicians, especially Republicans, idealize small town values as almost utopian. Similarly, many argue that the electoral college "enhances the status of minority groups" (Kimberling). However, like the argument about populous states and cities, it disregards the fact that the electoral college ignores many minorities while magnifying the power of others: the Latinos of California and Texas, the gay populations of San Francisco and New York City, and the African American populations of the conservative deep South are ignored while candidates work hard to woo the senior citizens of Florida and union workers of Indiana. Finally, some believe that "with more parties and more emphasis on turnout," a direct vote will result in "more people . . . unwilling to lose" (Sayre 85). However, it is hard to believe that no one would be more unwilling to lose an election than the supporters of the candidate with the most votes, such as the supporters of Al Gore in 2000. So although there are many proponents of the electoral college and opponents of the direct vote, their arguments are faulty and do not stand in the light of evidence and reason.

As the President of the United States is the country's leader, the manner in which he or she is elected is extremely important to America's democracy. Abolishing the electoral college and replacing it with a direct popular vote for President would strengthen the country's democracy. The electoral college was created over 200 years ago and is now archaic. A change to a direct vote would produce elections that no longer focus on a few random states. A direct vote would represent the people better than the electoral college does. And a direct vote would empower the voters. The Constitution, the foundation of our government, begins with "We the People." This bold statement sets the tone for the world's oldest standing democracy where we, the citizens, and not the rich, the royal, or the few, run the country. And after more than 200 years of the electoral college, it is time

that we as Americans call for a change so that we hold the Presidency directly within our hands, continuing our progression towards "a more perfect Union" that we as Americans must always strive for.

Selected Annotated Bibliography

Kuroda, Tadahisa. *The Origins of the Twelfth Amendment: The Electoral College in the Early Republic, 1787-1804*. Westport, CT: Greenwood Press, 1994. In the text, Kuroda, a professor of history at Skidmore College, explains the debates that took place between the Founding Fathers to choose the manner of which the Executive is elected. He then writes about the early Congressional thoughts about changing the electoral college and the Twelfth Amendment. He also discusses the basics of the electoral college system and a few of its effects on presidential elections. I used this text to learn about the origins of the electoral college. In the essay, I mostly used it to prove that the electoral college is archaic.

Moore, J L. "Voter Turnout." *CQ Press Electronic Library*. 2003. *CQ Encyclopedia of American Government*. San José State University Library. 8 Dec. 2008
<<http://library.cqpress.com/eag/elaz2d-156-7499-403030>>. In the article, found through a San José State University Library database, Moore discusses voter turnout statistics both internationally and within the United States. Moore always writes about different social groups' turnout rates and reasons why low voter turnout is dangerous to a democracy. I mostly used Moore's article in my argument about the empowerment of voters and the paragraph on voter turnout.

Nash, Gary B., and Julie R. Jeffrey, eds. *The American People: Creating a Nation and a Society*. 6th ed. New York: Pearson, 2004. *The American People* is a United States history textbook for high school students that starts with the earliest natives of the American continents and ends with the early years of George W. Bush's presidency. I used the textbook mostly to learn about the election of 2000, in addition to learning about the history of the electoral college, the US Constitution, previous presidencies, and previous election results.

Sayre, Wallace S. with Judith H. Parris. *Voting for President: The Electoral College and the American Political System*. Washington, DC: The Brookings Institution, 1970. The text *Voting for President* begins with an explanation of the current electoral college system, including its benefits and flaws. Sayre, a professor of government at Columbia University, then discusses many alternatives, including the direct popular vote, the district plan, and the proportional plan. This text was extremely useful because Sayre not only gives the simple facts, but he also goes on tangents that show his biases against the direct vote plan, giving me arguments against my thesis and letting me directly refute them.

Works Cited

"2008 Elections Gallery." Google Maps. 2008. 17 Dec. 2008

<http://maps.google.com/help/maps/elections/#campaign_trail>.

"Election Center 2008." *CNN*. 17 Nov. 2008. 4 Dec. 2008

<<http://www.cnn.com/ELECTION/2008/results/president/>>.

Greene, Sean. "Waiting in Line, Verifying the Vote: Ohio Elections in 2004 and 2006." Vol. 3.

Voting in America. Ed. Morgan E. Felchner. Westport, CT: Praeger, 2008. 3 vols.

Kimberling, William C. "The Electoral College." *Federal Election Commission*. May 1992. 4 Dec.

2008 <<http://www.fec.gov/pdf/eleccoll.pdf>>.

Kuroda, Tadahisa. *The Origins of the Twelfth Amendment: The Electoral College in the Early*

Republic, 1787-1804. Westport, CT: Greenwood Press, 1994.

Longley, Lawrence D. with Neal R. Peirce. *The Electoral College Primer*. New Haven, CT: Yale

University Press, 1996.

Moore, J L. "Voter Turnout." *CQ Press Electronic Library*. 2003. *CQ Encyclopedia of American*

Government. San José State University Library. 8 Dec. 2008

<<http://library.cqpress.com/eag/elaz2d-156-7499-403030>>.

Nash, Gary B., and Julie R. Jeffrey, eds. *The American People: Creating a Nation and a Society*.

6th ed. New York: Pearson, 2004.

Sayre, Wallace S. with Judith H. Parris. *Voting for President: The Electoral College and the*

American Political System. Washington, DC: The Brookings Institution, 1970.

Schier, Steven E. *You Call This an Election?: America's Peculiar Democracy*. Washington, DC:

Georgetown University Press, 2003.

Teixeira, Ruy A. *The Disappearing American Voter*. Washington, DC: The Brookings Institution,

1992.

Bibliography

- "2000 Election Chronology." *Infoplease*. 2007. 15 Dec. 2008
<<http://www.infoplease.com/ipa/A0884144.html>>.
- Agranoff, Robert. "Electoral College." *The World Book Encyclopedia*. 2007.
- Brams, Steven J. *The Presidential Election Game*. New Haven, CT: Yale University Press, 1978.
- "Elections in the United States." *America.gov*. 2 Apr. 2008. 25 Nov. 2008
<<http://www.america.gov/st/elections08-english/2008/April/20080423221537eafas0.6036188.html>>.
- McDonald, Michael. "2004 General Election Turnout Rates." *United States Election Project*. 3 Oct. 2008. 4 Dec. 2008 <http://elections.gmu.edu/Turnout_2004G.html>.
- Moore, J L. "Direct Election." *CQ Press Electronic Library*. 2003. *CQ Encyclopedia of American Government*. San José State University Library. 8 Dec. 2008
<<http://library.cqpress.com/eag/elaz2d-156-7505-403224>>.
- Peirce, Neal R. *The People's President: The Electoral College in American History and the Direct-Vote Alternative*. New York: Simon and Schuster, 1968.
- Plumer, Bradford. "The Indefensible Electoral College." *Mother Jones*. 8 Oct. 2004. 14 Dec. 2008
<http://www.motherjones.com/commentary/columns/2004/10/10_202.html>.
- Scher, Richard K. "The First Major Sign of Trouble: Florida in 2000." Vol. 3. *Voting in America*. Ed. Morgan E. Felchner. Westport, CT: Praeger, 2008. 3 vols.
- Silverleib, Alan. "Presidential Electors Meet to Cast Votes." *CNN*. 15 Dec. 2008. 15 Dec. 2008
<<http://politicalticker.blogs.cnn.com/2008/12/15/presidential-electors-meet-to-cast-votes/>>.
- "Survey of Political Independents." *National Popular Vote*. 2007. 14 Dec. 2008
<<http://www.nationalpopularvote.com/resources/Wash-Post-Kaiser-Harvard-June-2007.pdf>>.

The Electoral College was created for two reasons. The first purpose was to create a buffer between the population and the selection of a President. The second as part of the structure of the government that gave extra power to the smaller states. The first reason that the founders created the Electoral College is hard to understand today.Â This creates an unfair advantage to voters in the small states whose votes count more than those people living in medium and large states. One aspect of the electoral system that is not mandated in the constitution is the fact that the winner takes all the votes in the state. Therefore it makes no difference if you win a state by 50.1% or by 80% of the vote you receive the same number of electoral votes.