

The Electoral College – by Carly Terry

Benjamin Franklin once described democracy as “two wolves and a lamb deciding on what to have for lunch,” and liberty as “a well-armed lamb contesting the vote” (Kanopiadmin). The Electoral College is a process that was established by the Founding Fathers to protect the liberty of the people of the United States against the dangers of direct democracy. This process was established by the Constitutional Convention as a compromise between using a Congressional vote and a popular vote in electing the President and Vice President of the United States.

As it was established in Article II, Section 1 of the Constitution, the Electoral College is made up of a formal group of electors appointed by the States. Today, the Electoral College is made up of 538 electors. This is the number of Senators (100) added to the number of House Representatives (435), added to three additional votes given to the District of Columbia. Each state is given a minimum of three electoral votes, and the rest of the votes are divided among states based on their population. Electors are allocated to states based on the number of House Representatives and Senators that each state has. Electors are appointed by State legislators, but the nomination process can vary from state to state.

In voting for a presidential candidate, 48 states use the “winner-take-all” method, meaning all the state’s electoral votes are given to the winner of the popular vote for that state. In Maine and Nebraska, the congressional district method is used, where two electoral votes are given to the winner of the state’s popular vote, and one vote is given to the winner of each congressional district. When an individual casts a vote in the general election, he is voting for the electors he wants his State to appoint to vote at the meeting of the electors. The Electoral College has been criticized and debated ever since the Constitution was ratified, but it remains a vital aspect of American politics.

2

The nation’s founders created the Electoral College to solve problems. To better understand the problems the Founding Fathers faced and how the Electoral College was helped to solve them, it is imperative to first consider the dynamics of the nation when it was first established.

First, the Constitutional Convention had to find a compromise that pleased thirteen States of fiercely independent people who had just fought a war to be free from a central government that was out of touch with its people. It was already difficult enough to unify such people, but add to this the fact that the thirteen States were composed of four million individuals spread across the East coast with extremely limited communication or connection.

States’ rights were important to the American people because they wanted to have their problems acknowledged and understood. With a lack of resources for communication, and a dire need for connection, those at the Constitutional Convention needed to compose a system for elections that would help the American people elect a leader who would appeal to the problems of the nation, as a whole. The Founding Fathers did not expect the process to be foolproof, but it was a balance that all parties could accept, at least to an extent.

Originally, there was one group of delegates that opposed a pure popular vote and another group that opposed the involvement of Congress. Those who opposed a straight popular vote not only feared the public being unable to make informed decisions about the candidates (due to a lack of resources for communication), but they also feared “mob-rule” and an uncontrollably powerful populist president. Those who opposed the involvement of Congress feared corruption could occur, as a result.

The “Committee of Eleven” was formed and proposed an idea of a College of Electors that would function to indirectly elect the President. This College of Electors was intended to be composed of well-educated and informed members of each State who would vote for candidates based solely on their merit, regardless of a member’s State or political party. Inspiration for the Electoral College system could have been derived from the Roman Catholic Church’s College of Cardinals and the Roman Republic’s Centurial Assembly, two systems that share similarities in design and method to the Electoral College. Regardless, the Founding Fathers were well-educated, intelligent and observant.

After months of debating on how the United States of America would select its President and Vice President, they finally formed a compromise, and the Constitutional Convention approved a modified version of the proposed Electoral College on September 6, 1787.

Overall, establishing the Electoral College was the right decision for the Founding Fathers to make at the time. It solved the problems of limited resources and communication and helped to ensure that well-educated and well-informed individuals were ultimately deciding who would lead the nation. It prevented corruption between the legislative and executive branches from controlling elections, while simultaneously preventing mob rule. It is the fairest compromise between confining the power to vote to Congress and giving unchecked power to the people. Although the Electoral College was a compromise that solved many problems, it created the question of how electors would be allocated to the States.

In the late 1780s, slaves accounted for nearly 40 percent of the population in the Southern states (Roos). Since slaves did not have the right to vote, this angered the Southern States as it meant that they were left with fewer electoral votes than the Northern States. Ironically, a northern liberal named James Wilson of Pennsylvania proposed the Three-Fifths Compromise, which allowed slaves to be counted as “three-fifths of a person for the purpose of allocating representatives and electors and calculating federal taxes” (Roos). The Three-Fifths Compromise eventually became irrelevant when the 13th Amendment outlawed slavery in 1865, but it was officially revoked by the 14th Amendment in 1868. During the time of the Constitutional Convention, the United States was the only country in the known world that directly appointed its leader, and the American people were especially fearful of a chief executive gaining too much power. A system of checks and balances was important to the Founders to prevent both despotic power and democratic tyranny: the Electoral College was the right compromise to check both extremes.

Despite the successes of the Electoral College, it makes sense that one of the most highly debated topics for the Founders has remained a highly debated topic ever since. Over the last two hundred years, hundreds of proposals for the reform or elimination of the Electoral College have been introduced in Congress in search of the fairest and most effective way to select the President and Vice President. In 1804, weaknesses in the procedure outlined in Article II, Section 1, Clause 3 of the Constitution were corrected by the Twelfth Amendment, which allowed separate ballots to be used in voting for the President and the Vice President.

In 1824, Andrew Jackson received 10.5% more votes than John Quincy Adams but lost the election because he did not receive enough votes from the Electoral College for a majority vote. The election was then left to the House of Representatives due to the provisions of the Twelfth Amendment, and Adams won the election despite losing the popular vote. Since 1824, four other presidents have lost the popular vote but still been elected as a result of the Electoral College.

In 1961, the United States passed the 23rd Amendment, giving citizens of the District of

Columbia representation in the Electoral College. Washington D.C. currently has three electoral votes. Although some corrections have been necessary for the Electoral College to best serve the nation, the basic structure and intent of it are still beneficial.

Since the ratification of the Constitution, changes in culture, technology, and politics have affected the way the Electoral College works. For example, political parties were virtually nonexistent when the Constitution was signed in 1787. The Founders intended for electors to vote for candidates based on their knowledge and opinions of the candidates, not based on whom their political party chose. Additionally, the original intent of the electoral process was for each elector to have a level of independence in deciding whom to vote for, but today, 48 States require their electors to vote for the candidate who wins the State's popular vote. One of the major concerns of the delegates who opposed a pure popular vote was that citizens did not have the necessary education or resources available to be able to cast well-informed votes on the candidates. Yet today, with the wide availability of the internet and the media, most voters have extensive resources available that enable them to make informed decisions on whom they vote for.

Considering these changes, some have questioned whether the Electoral College is still helpful or relevant in modern America. However, it is important to remember that the Founding Fathers debated on the best plan for the future of America for months, and they ultimately did not choose the Electoral College as a temporary method for electing the President because they thought it might fail and be necessary to change. Instead, the Founders chose to enshrine the procedure of the Electoral College in the Constitution to establish and preserve it in the future of the United States. The Electoral College still makes sense. It protects political moderation and prevents radicalism. Candidates must focus on appealing to the needs of the entire nation, instead of confining their campaigns to areas concentrated with voters. It also helps to prevent fraudulent elections by limiting the number of votes that must be counted. The Electoral College favors the candidate that appeals to the populous and the goal is for the election to result in a winner who will meet the needs of the entire nation, not just big cities. The Electoral College also helps to ensure that a candidate receives an actual majority vote, not just the most popular votes. If only the popular vote was used, candidates could win the election without actually receiving a majority vote. Some opponents of the Electoral College claim it allows "swing" or "battleground" states to control elections. Traditionally, some states vote democratic and some republican, but some states tend to be divided and may change each election. This causes many candidates to focus their efforts on swing states and make the majority of their campaign stops in those with the most electoral votes. The Electoral College does give States with larger populations more electoral votes, but it also forces candidates to broaden their agendas to not just appeal to large States.

Critics of the Electoral College have called it outdated, irrelevant, and unnecessary, and have sought other solutions to the Constitutional process. One idea for replacing the Electoral College is to simply eliminate it and instead use only the direct popular vote. This idea has been proposed by many critics of the Electoral College throughout America's history, from President Andrew Jackson to Senator Elizabeth Warren. However, the realization of this idea would not only require the complicated process of amending the Constitution, but could also result in dangerous repercussions. Getting rid of the Electoral College would require amending the Constitution through a proposal by either Congress or a national constitutional convention, and then it being ratified by 38 state legislatures or state ratifying conventions in three-fourths of the States. All past attempts at this have failed because of the clear benefits to keeping the Electoral College. The Electoral College helps to prevent large cities and urban areas from controlling elections and hurting rural areas, and it allows the States and the people to retain a role in electing the nation's leaders. Additionally, throughout fifty-eight elections over the past 200 years, there have only been five elections that were affected by a split in electoral and popular votes. Getting rid of the Electoral

College and replacing it with a direct popular vote would remove a vital system that protects the liberty of the United States and prevents the “tyranny of the majority” (Phelan).

Despite its imperfections, the Electoral College is still a brilliant solution for the dilemma faced by the framers. Alexander Hamilton himself admitted, “if the manner of it be not perfect, it is at least excellent. It unites in an eminent degree all the advantages, the union of which was to be wished for” (Brown).

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8

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9

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