



IN PRAISE OF THE ELECTORAL COLLEGE

By Michael C. Maibach

October 23, 2008

Americans elect a President through the state-by-state mechanism of the Electoral College. Every four years some call for it to be abolished. It's timely to consider the value of this vital and controversial institution devised by our Founders in 1789.

Three criticisms of the College are made: It is "undemocratic", it permits the election of a candidate who does not win the most votes, and its winner-takes-all approach cancels the votes of the losing candidates in each state.

Those who call the Electoral College "undemocratic" often claim it represents the Founders' fear of an imprudent electorate, whose choice for President is best confirmed by wise and dispassionate electors. This view ignores the great debate of the Constitutional Convention between the small and large state delegates. The US Congress itself reflects this struggle. Each state has two US Senators regardless of population, while US House seats are apportioned by population.

The Electoral College evolved from a similar compromise. Fearing dominance from the populous states of New York, Pennsylvania and Virginia (much larger before West Virginia split off in 1863), **small states proposed election of the President by the 13 state legislatures** - each holding a single vote. Large-state delegates such as Madison of Virginia naturally favored direct popular election. The Electoral College was an ingenious compromise, allowing the popular election of the US President, but on a state-by-state basis. Citizens vote for President, with the winner in each state taking all the state's electoral votes based on the number of seats that state has in the US Congress. In this sense the Electoral College is no more "undemocratic" than is the US Senate or the US Supreme Court.

The second criticism of the Electoral College is the most challenging. One is left to defend the College not as perfect, but as **a better solution than the alternative — direct popular election of the President**. The criticism is that in close elections, victory can be denied the candidate receiving the most popular votes **nationwide**. This has occurred only four times in 55 Presidential elections -- Adams (1824), Hayes (1876), Harrison (1888) and Bush (2000) – and only once since 1888.

The Electoral College requires the election of a President **by majorities, by state**. Two political wills are thus engaged - that of the citizenry of each state and that of the 50 states acting together. We are "a nation of states" and this is part of American federalism.

Those who would abolish the Electoral College advocate using a simple majority vote rule, i.e. the candidate receiving 50%+ of the popular vote is the victor. But **often no one receives 50% of the national vote because of third-party candidates** such as Roosevelt and Debs (1912), Wallace (1968), Perot (1992)... and Nader (2000). In the 55 presidential elections since 1789 no candidate received 50% of the vote on 18 occasions,

including Lincoln (39.7% - 1860), Wilson (41.8% - 1912), Truman (49.6% - 1948), Kennedy (49.7% - 1960) and Clinton (43% - 1992 & 49% - 1996) to name the most famous “minority Presidents”. **In contrast, all won a majority of the states’ Electoral College votes!**

The **Electoral College creates a national majority** for new Presidents, regardless of the popular vote margin. Reflecting the will of majorities in the 50 states, the College legitimizes the result. A sharply divided America gave Lincoln only 39% of the vote in 1860. But Lincoln won 180 electoral votes – more than double the second-place finisher, Breckinridge. If America used direct elections, even more “third party” candidates would arise to render US election vote margins even more inconclusive than in the past.

The third criticism is that the “winner-takes-all” provision cancels the votes not cast for a state’s Presidential choice. For example, Virginia votes cast for Mondale in 1980 were “cancelled” because all 13 of our electoral votes were given to Reagan. In fact, **all elections have this effect** since there’s only one winner in every contest.

The abolition of the Electoral College would have a significant negative impact on our political system. **First**, a President would no longer be elected by the collective will of the 50 states, thus reducing the importance and influence of states like Virginia. **Second**, candidates would tend to campaign in urban areas, no longer seeking to “win statewide”. This might alienate millions in small towns and rural states. **Third**, a re-focus on urban areas and away from statewide politics would undermine a two-party system that serves this continental republic well. A splintered and incoherent set of regional and issue-oriented parties would likely spring up. State legislatures and the US Congress might transition to multi-party “governing coalitions” as fragile, ineffective and short-lived as those found in many European Parliaments today.

Fourth, the number of Presidential candidates would rise sharply, not to win but to deny any candidate 50% of the vote. This would lead to a national run-off election with political deal-making and ballot litigation that would make Florida in 2000 seem like a minor episode. **Finally**, citizens of small and rural states – ignored by Presidential campaigns – would consider leaving a “union” that no longer valued their votes in choosing a President. The historic small vs. large state Constitutional compromise would be dissolved. Forces of disunity the Founders sought to avoid would arise.

The Founders’ **Electoral College** is a unique republican mechanism. It **creates Presidential majorities, engenders national Presidential campaigns, and maintains a robust federalism which operates most effectively within a strong two-party system.** When someone says, “Let’s abolish the Electoral College” it is fair to ask, “With what would you replace it, and how would the new system affect American federalism, our two-party system, and the unity of the **United States?** **Removing one gear from a watch affects the entire mechanism.**

(c) Michael C. Maibach has lived in Old Town Alexandria since 1997. He is a member of the John Jay Institute Board of Trustees.