

Research done in preparation for LWVNYS study:
Should NYS Join the Compact for a National Popular Vote?
Background Paper #1: The Electoral College: How It Works - A bit of History
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The question of how the future presidents of the new republic were to be selected weighed heavily on the delegates to the Constitutional Convention. They did not reach their decision quickly. Over a matter of weeks they debated the issue, considering and then reconsidering possibilities – selection by governors, by state legislatures, by direct popular vote, by electors. In the end they decided to give this responsibility to Electors, a group of citizens who, they believed, would choose a president - in the words of Alexander Hamilton - “from among those men most distinguished by their abilities and virtues”.

As written in the Constitution, each state was given a number of Electors equal to the combined number of senators and representatives from that state. No state can have fewer than 3 Electors. Currently there are 435 U.S. Representatives, 100 Senators (two from each state) and 3 Electors from the District of Columbia (The District was given 3 Electors with passage of the 23rd Amendment), which amounts to a total of 538 Electors.

To be elected to the presidency, a candidate must receive an absolute majority (270) of the electoral votes. If no presidential candidate receives a majority, the House of Representatives decides who will be president with each state casting a single vote. If no vice presidential candidate receives a majority, the Senate chooses the winner.

The Constitution prescribes only the way each state’s total number of Electors is determined. The states themselves are given complete authority to decide how their Electors are chosen. It was envisioned that Electors would be respected citizens who would exercise independent judgment in making their presidential selection.

Originally each elector cast 2 votes. The person with the greatest number of votes became the president and the second highest vote getter became the vice president.

In the first two presidential elections, George Washington received a vote from every Elector to become president. John Adams came in second and became vice president. But even this early in the country’s history, problems with the electoral system were emerging. Political parties (the Federalist and Anti-Federalist / Republican) had developed with loyal supporters on either side. The third presidential election in 1796 produced unsettling results. John Adams, a Federalist, was elected President and Thomas Jefferson, his opponent and a Republican, was elected Vice President.

Acrimony between the two men and their parties deepened as the 1800 election approached. Each party realized they could improve their chances of victory if Electors from the individual states voted as a block, the “winner-take-all” strategy. No longer were electors expected to be persons of independent judgment, but partisans committed to vote for the candidates of their party.

In 1800 John Adams lost his bid for a second term, but to the Republican Party’s dismay, their standard bearer, Thomas Jefferson, and his running mate, Aaron Burr, received the same number of votes. The tied presidential election was sent to the House of Representatives, which was controlled by the opposition Federalist Party and included many members who were fiercely opposed to Jefferson. Only after 36 separate votes were taken was the tie broken and Thomas Jefferson elected president.

Congress realized that the Electoral College had to be changed to prevent a repeat of the 1800 presidential election. It quickly passed the Twelfth Amendment to the Constitution, requiring separate ballots for president and vice president. The Amendment was ratified in time for the 1804 election.

Americans continue to vote for the president and vice president by Electors as written in the Constitution and the 12th Amendment. Nevertheless, the Electoral College has been challenged many times by those who want it changed or abolished entirely. The main focus of these efforts has been whether the Electoral College vote accurately reflects the will of the American people. Opponents point out that in the presidential elections of 1824, 1876, 1888, and 2000 the candidate who captured the majority of the popular vote lost the electoral vote and thereby lost the presidency. Still other elections could have produced similar results with the switch of a small number of votes in just a few states.

References:

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