

🇺🇸 ELECTORAL COLLEGE: HOW DOES IT WORK? WHY WAS IT INSTITUTED?

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A worthy evaluation of our government's structure should include understanding how our Founders' goals differ from those of modern day progressives. The Founders made every attempt to dilute the power of government in order to protect citizens from what they foresaw as possible tyranny. In contrast, today's progressives believe in concentrating the power of the federal government to promote their concept of the "common good."

The Founders had a cautious and skeptical view of human nature, and many of their decisions sought to protect the country from humanity's "dark side." Such was the case in their decision to have an "indirect" method of electing the President to protect against a tyrannical leader winning a majority of the voters. Their process created "another set of eyes"-the electors.

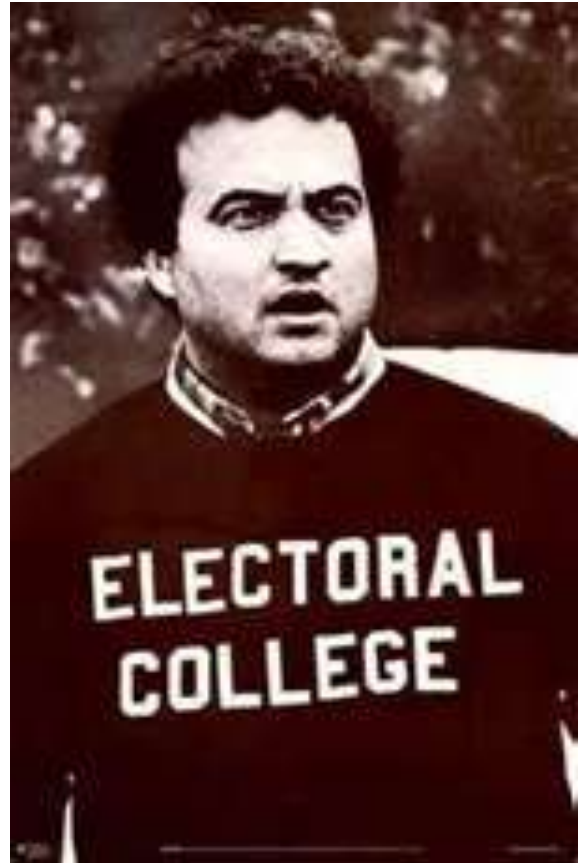
The Electoral College is a "cog" in a much larger wheel which includes many checks and balances established to collectively prevent bad governance by our leaders.

- **Stefano Bachovich** - obscure curmudgeon and wise political pundit - a prolific purveyor of opinions on just about everything - SB's primary "go-to guy."

In an earlier report I summarized a movement that would effectively eliminate, by sidestepping, the Electoral College (EC) process. That movement is gradually making its way through the states, gathering approval and momentum. It's called the "National Popular Vote Compact." (Here is the link: ["ELECTORAL COLLEGE: THERE'S A MOVEMENT AFOOT!"](#)) If one were to conclude that we shouldn't retain the intended operational details of the "electoral college" (EC), that presumes performing an analysis of the Founders' reasoning relative to the formation of this process, and that those reasons were found "wanting." Let's take a look at the process and the background.

Expressions of the Founders' "mistrust" of human nature:

[T]here is a degree of depravity in mankind which requires a certain degree of circumspection and distrust. - James Madison



Sometimes it is said that man cannot be trusted with government of himself. Can he, then, be trusted with the government of others? Or have we found angels in the forms of kings to govern him? Let history answer this question. – Thomas Jefferson, First Inaugural Address, 1801

What is the Process?

- The general electorate vote for a combined presidential and vice presidential “ticket.” Based on this result, on a state by state basis, the electors are selected based on the popular vote of that state’s electorate.
- There are a total of 538 electors to correspond numerically to: 435 members of the House of Representatives, 100 Senators, and 3 representing the District of Columbia.
- The electors, eventually becoming known as the Electoral College (EC), meet on a specified date and vote for a combined ticket. Prior to 1804, each of the electors voted for two candidates for President with the second place finisher serving as VP. In 1804 the Twelfth Amendment changed the procedure to vote separately for both. A 50% majority is required for the electors to select the President.
- Casting those votes would be the electors who had pledged their support for that candidate. **That pledge, however, is NOT a legal obligation for the elector!**
- If 50% is not achieved, the responsibility is left up to the House of Representatives to arrive at a majority vote. This isn’t likely to happen under the current system.

What Does the Constitution Say?

Article II. Section 1. Clause 2. states:

Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the Congress: but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

Article II. Section 1. Clause 4. states:

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

Article II. Section 1. Clause 3. is quite lengthy and detailed, but concludes with the indication that the individual obtaining the most votes, and being over 50% of the electors, would serve as President.

What Were the Original Assumptions, and What Has Changed?

Some of this may be a surprise to many – it was to me! It appears there were some important assumptions “in play” as the Founders deliberated this issue. It was assumed that:

- Each state would employ the district system of allocating electors.
- Each presidential elector would exercise independent judgment when voting.
- Candidates would not combine on the same ticket with unique designations as candidate for President and VP.
- The system as designed would rarely produce a winner, thus sending the election to Congress.

- While the individual voters are, collectively, an important step in the selection process, the system as designed was intended to insulate the citizenry from the final selection.
- The prior point describes what was viewed as a guard against a tyrannical leader unduly influencing the electorate. In other words, the EC would be an “extra set of eyes” on the appropriateness of the election process.



Some things have changed:

- Originally it was left to the states to determine how the electoral process was carried out, and as a result, some of the original assumptions didn't “pan out.”
- The states, currently all but two (Maine and Nebraska), have established a policy whereby the winner of the popular vote will be allocated all of the state's electoral votes – “winner takes all.”
- Under the two party system, the President and VP candidates ARE uniquely identified as such, and combined on the same ticket.
- Given the advent of the two party system, and the various methods established by the states for selecting and allocating electors, it's almost impossible NOT to have a majority of the electors voting for a single presidential candidate.
- Because of the last point, if it was expected/intended that most elections fall to the Congress, that goal was missed entirely.
- Because they probably expected anything but a “two party” system, the Founders would have expected electors to rarely achieve the 50% majority requirement. It's likely they anticipated having three or more major presidential candidates.

They Didn't Want a Pure Democracy! Why All the Concern by the Founders?

It seems that the EC was created for basically two reasons: to create a buffer between population and the selection of a President; and to give extra power and representation to the lesser populated states. Hamilton and other Founders who have gone on record, felt that electors would be able to ensure that only a qualified person becomes President. In fact, they were worried that the general citizenry could be manipulated.

As the distinguished and perceptive Mr. Bachovich expressed above, not everyone can be counted on to be “good folks”! Hence, they came up with a hybrid form of government with an abundance of “checks and balances” and indirect methods of elections. It was a “representative republic” which elicits confusion to this day as to what it really means.

As Benjamin Franklin announced outside Independence Hall after the Constitutional Convention was concluded, we have *“a republic, if you can keep it.”* In other words, IT WON'T BE EASY – A MAJOR CHALLENGE! Why? While the ideal of the system is obvious, temptations to subvert this amazing concept are rampant. While the Founders had an inherent distrust of human nature, they were willing to take a chance and give it a try! It's important that we be aware of the fact that creating a direct democracy was judiciously avoided by the Founders.

*I pledge allegiance to the flag of the United States of America, and to the **Republic** for which it stands, one Nation under God, indivisible, with liberty and justice for all.*

More About the 18th Century Debate

There were actually two competing ideas for the Presidential election process. Some thought Congress should do it – thereby carrying the concept of insulating the population from the election one step further. But most participants were intent on restricting the power of Congress, as was their consistent goal throughout. Others said it should be a national popular vote of eligible citizens (another topic for another day – i.e. who should be eligible to vote?).



But many were concerned that a direct vote would produce a hodgepodge of local celebrities dividing up the vote. Obviously the final process was a compromise and was enshrined in the second article of the Constitution.

Ultimately, unless a candidate/ticket gets at least a majority of electoral votes, the election goes to the NEWLY ELECTED House of Representatives. Each state's delegation in the House gets one vote and a candidate must win a majority of the states to be elected President. In 1824, Andrew Jackson won the most popular votes and the most electoral votes, but there were four candidates which split the electoral votes and no one candidate prevailed with a majority. The race went to the House, and JOHN QUINCY ADAMS, who had actually come in second, was the new President. Rarely in our history has there been a popular vote winner who lost in the Electoral College – but it has happened!

My Opinion

In spite of some disadvantages to the current Electoral system, I don't support an attempt at amending the Constitution. While I wouldn't be afraid of such an attempt in a philosophical way, I believe any attempt would, and should, be futile. It would require ratification by $\frac{3}{4}$ ths of the states, and what chance would that have of passing, considering the fact that no smaller state would support it. A waste of time for sure! I would support having the states, individually, taking a long hard look at how their own application of the electoral process has evolved, or not evolved, with the goal being possibly doing a better job at the state level – I refer to the “winner take all” policies. I also don't support the goals of the National Popular Vote Compact discussed in an earlier report. Here are quotes from some venerable leaders and policy makers with whom I agree:

Once you get rid of the Electoral College, the election will be conducted in New York and San Francisco. – Former Senator Alan Simpson of Wyoming

It is not only the unit vote for the president we are talking about, but a whole solar system of governmental power. If it is proposed to change the balance of power of one of the elements of the system, it is necessary to consider the others. – President John F. Kennedy