



THE ELECTORAL COLLEGE

CENTRAL QUESTION



Should states join the National Popular Vote pact?

INTRODUCTION



On November 3, 2020, Americans will go to the polls either to elect President Donald Trump to a second term or to elect a new 46th president. Each qualified citizen is responsible for casting his or her own ballot on Election Day, but it is not the nationwide popular vote that determines the next president. That job falls to the Electoral College, a body of 538 electors established by the Constitution.¹ In this *Close Up in Class Controversial Issue in the News*, we explore the Electoral College system, examine the National Popular Vote pact, and ask you to weigh the pros and cons of the paths forward.

BACKGROUND



What Is the Electoral College? The Electoral College is not a place; it is a system for electing the president of the United States. The founding fathers established this system in Article II of the Constitution. It was adopted as a compromise that blended two possible methods of electing the president: a vote by Congress and a popular vote by qualified citizens.²

So, how does the Electoral College work?

- The Electoral College is a group of 538 people known as electors. Each state has as many electors (or electoral votes) as it has senators and representatives in Congress. For example, California has two senators and 53 representatives; therefore, the state has 55 electors. The 23rd Amendment gave the District of Columbia three electors as well.³
- In most states, the presidential candidate who wins the statewide popular vote wins every electoral vote. Two states (Maine and Nebraska) use a district system instead. In those states, there are two at-large electors who vote for the winner of the statewide popular vote, as well as district electors (two in Maine, three in Nebraska) who vote for the winner of the popular vote in each congressional district.⁴
- To win the presidency, a candidate must capture at least 270 electoral votes (just over 50 percent of the total number of electoral votes).



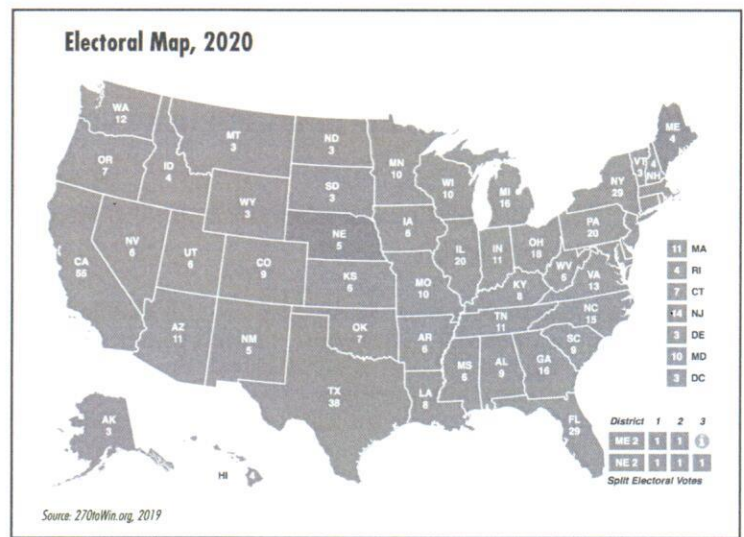
[Who are the electors?](#)

Why Is the Electoral College Controversial? So, why do we use the Electoral College? This system was created to help ensure that presidential candidates do not focus their campaigns solely on highly populated urban areas with large numbers of voters. Instead, candidates must compete for electoral votes in states across the country by addressing the concerns of voters in rural and small states as well.⁵

However, use of the Electoral College has also led to several instances in which a candidate has won the nationwide popular vote but lost the electoral vote, thus losing the presidency.

- In 1824, Senator Andrew Jackson, D-Tenn., won the popular vote but lost to President-elect John Quincy Adams.
- In 1876, Governor Samuel Tilden, D-N.Y., won the popular vote but lost to President-elect Rutherford B. Hayes.
- In 1888, President Grover Cleveland won the popular vote but lost to President-elect Benjamin Harrison.
- In 2000, Vice President Al Gore won the popular vote but lost to President-elect George W. Bush.
- In 2016, former Secretary of State Hillary Clinton won the popular vote but lost to President-elect Trump.⁶

Third-party candidates have also struggled to succeed in the Electoral College system. For example, in 1992, businessman Ross Perot won 19 percent of the nationwide popular vote but did not win a single electoral vote, as he was not particularly strong in any one state.⁷



THE CURRENT CONTROVERSY



Should states join the National Popular Vote pact?

The American people have debated the benefits and drawbacks of the Electoral College for over two centuries. In recent years, that debate has touched on the National Popular Vote pact (NPV) as well. When a state passes legislation to join the NPV, it pledges that all of the state's electoral votes will go to the presidential candidate who wins the nationwide popular vote. However, the legislation will take effect only if states with a majority of electoral votes join the pact. As of June 2019, 15 states (California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maryland, Massachusetts, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, and Washington) and the District of Columbia have joined the effort. These states have 196 electoral votes between them. Therefore, for the legislation to take effect, the NPV needs the support of states with an additional 74 electoral votes.⁸

The NPV has been in the headlines throughout 2019. In May, Governor Steve Sisolak, D-Nev., vetoed a bill that would have pledged Nevada to the NPV, as he argued that the pact "could diminish the role of smaller states like Nevada in national electoral contests."⁹ Months later, in August, the Colorado secretary of state certified that opponents of the NPV had gained enough signatures to create a ballot initiative that will ask Colorado voters to approve or reject the state joining the pact.¹⁰

Supporters of the NPV believe that the United States should move toward using a nationwide popular vote when electing the president. They insist that such a method would be more democratic than the Electoral College, ensuring that every vote has the same amount of influence. But opponents of the NPV argue that using a nationwide popular vote would violate the intent of the Constitution, consolidate all electoral influence in a few big cities, and lead candidates to ignore the interests of rural voters.



SHOULD STATES JOIN THE NATIONAL POPULAR VOTE PACT?



YES: A nationwide popular vote would ensure that every vote counts equally.

"The National Popular Vote interstate compact would guarantee the presidency to the candidate who receives the most popular votes across all 50 states and the District of Columbia," noted National Popular Vote, the nonprofit organization behind the pact. "The bill ensures that every vote, in every state, will matter in every presidential election."¹¹

The reasons to support the NPV really are that simple. If the NPV takes effect, the candidate who wins the most votes nationwide would win the presidency. And all voters could be confident that their vote, and their concerns, mattered every bit as much as those of their fellow Americans—no matter their state of residence.

Right now, in all but two states, the Electoral College uses a winner-take-all system (based on the statewide popular vote) to award a state's electoral votes. There are several glaring problems with this method. First, it encourages presidential candidates to focus all of their attention on a small number of battleground states, where the statewide popular vote is expected to be close. "Presidential candidates have no reason to pay attention to concerns of voters in states where they are comfortably ahead or hopelessly behind, the solid red or blue states. Voters in 35 states are ignored," noted the League of Women Voters (LWV), which supports the NPV.¹²

Making the same argument, National Popular Vote pointed out that in the 2012 presidential election, "all of the 253 general election campaign events were in just 12 states, and two-thirds were in just four states (Ohio, Florida, Virginia, and Iowa). Thirty-eight states were completely ignored."¹³

Second, the Electoral College system dampens the influence of minority party voters who live in heavily Democrat or heavily Republican states, since the statewide popular vote is usually a landslide. "Right now, what happens is that if you're a Democrat in Texas or a Republican in California, your vote is essentially zeroed out," said John Koza, chairman of National Popular Vote.¹⁴

Third, the Electoral College has allowed five of the nation's 45 presidents to take office despite the fact that they lost the nationwide popular vote. This has occurred in two of the last five presidential elections. In other words, the Electoral College system is disregarding the will of the American people. That cannot stand.

"Direct election works well for members of Congress, governors, state legislators, mayors, city councilmen, school boards, etc.," noted the LWV. "Why should it not work for president and vice president?"¹⁵



NO: A nationwide popular vote would ignore the Constitution and the interests of rural voters.

If enacted, the NPV would cause great harm to the electoral system. It would abandon a structure specifically outlined in the Constitution, consolidate all power in a few big cities, and ignore the interests of voters in rural areas.

By enacting the NPV, states would encourage presidential candidates to focus solely on big cities—where there are large numbers of voters in small areas. "Future presidential elections will go to candidates and parties willing to cater to urban voters and skew the nation's policies toward big-city interests. Small-town issues and rural values will no longer be their concern," wrote Gary Gregg, a professor at the University of Louisville. "A simple, direct democracy will centralize all power—government, business, money, media, and votes—in urban areas to the detriment of the rest of the nation."¹⁶

"Just look at the electoral maps and the numbers," continued Gregg. "Barack Obama received 3.3 million more votes than Mitt Romney in [2012 overall], but won 3.6 million more votes than Romney in just four cities—Chicago, Philadelphia, New York, and Los Angeles. He won those margins without much of a campaign. Now, imagine an Obama candidacy free of the need to appeal to Ohio factory workers, Colorado cattlemen, Iowa hog farmers, and Virginia police officers, and you start to get the picture."¹⁷

The Electoral College system is outlined in the Constitution, and states cannot simply sweep that aside. The system guarantees that the United States is what the founding fathers intended it to be—a federation of states working together in union. "The Electoral College was an integral part of that federal plan," wrote Allen Guelzo, a professor at Gettysburg College, and James Hulme, an attorney. "It made a place for the states as well as the people in electing the president by giving them a say at different points in a federal process and preventing big-city populations from dominating the election of a president. Abolishing the Electoral College now might satisfy an irritated yearning for direct democracy, but it would also mean dismantling federalism. After that, there would be no sense in having a Senate (which, after all, represents the interests of the states), and further along, no sense even in having states."¹⁸

Furthermore, the Electoral College acts as a safeguard for the election of the president. "Without the Electoral College, there would be no effective brake on the number of 'viable' presidential candidates," wrote Guelzo and Hulme. "Abolish it, and it would not be difficult to imagine a scenario where, in a field of a dozen micro-candidates, the 'winner' only needs 10 percent of the vote."¹⁹

QUESTIONS TO CONSIDER



1. Do you support the use of the Electoral College? Explain your reasoning.
2. What do you believe to be the most compelling argument of the opposition? Explain your reasoning.
3. Do you believe it is appropriate for states to join the National Popular Vote pact? If so, how should this decision be made? If not, why is it inappropriate?