The 2000 PRESIDENTIAL ELECTION brought renewed calls for reform of the process by which this country elects its president and vice president. George W. Bush won a majority of the Electoral College votes but lost the national popular vote by 600,000 votes. Florida, which cast twenty-five electoral votes, determined the presidency. Bush received 246 Electoral College votes from states other than Florida, twenty-four short of the 270 needed. Gore received 267 electoral votes, three short of the 270 simple majority needed. The vote total in Florida had Bush leading Gore by only 2000 votes, small enough for Gore to ask for a recount. Allegations of voting irregularities in Florida were widespread; for the next thirty-seven days the nation was preoccupied with lawsuits, hearings, and vote recounts.

On Monday, December 11, 2000, the US Supreme Court in *Bush v. Gore* (2000) overturned the Florida Supreme Court decision that had authorized the manual recount of the presidential vote in Florida. This effectively awarded the presidency to George W. Bush. Walton and Smith (2003) stated the following about the 2000 election: "...in effect the 'loser' became the 'winner'" (160). This phenomenon was not unprecedented; at three other times in the history of this nation has a president who did not win the popular vote of the people been elected by the Electoral College.

After the presidential election of 2000, critics of the Electoral College called anew for a revision of a system that is often considered anachronistic, complex, and undemocratic. Interestingly, the academic and political communities were strongly divided in this; although some scholars and politicians called for reform, other scholars and politicians staunchly defended a system that has existed for over 200 years.

In this article, I will examine the advantages and disadvantages of the Electoral College. First, I will provide a brief history of the Electoral College. Additionally, I will review the literature on the debate concerning the Electoral College; specifically that written by scholars who are divided on the issue of whether to maintain the Electoral College as it currently exists, to reform the current system with modifications, or to abolish the system altogether. Next, I will discuss some of the major flaws in the current system. Lastly, I will look at some of the major calls for reform of the system.

**History of the Electoral College**

The Constitutional Convention of 1787 was dominated by political compromises. This was true in the creation of the Electoral College. The framers of the Constitution explored several possible methods for choosing a president. One option was to have the Congress select the president. This idea was discarded because the framers believed it would run counter to the balance of power that they envisioned between the legislative and executive branches of the national government.

Another option for selecting a president was to assign the task to the state legislatures. This idea was abandoned because it was
believed that such a system would compro- 
mise the concept of an independent federal 
government. A third alternative for electing 
a president that the framers examined was 
the direct popular vote of the people. Many 
scholars assert that this method was rejected 
because the framers felt that the citizenry 
would not be informed enough to make 
intelligent decisions, thereby compromising 
the democratic process. However, William 
Kimberling (1992), former Deputy Director 
of the Federal Election Commission Office 
of Election Administration disagrees. He has 
stated that “Direct election was rejected not 
because the framers of the Constitution 
doubted public intelligence but rather 
because they feared that without sufficient 
information about candidates from outside 
their state, people would vote for a ‘favorite 
son’ from their own state or region” (2). 
However, Hanes Walton, Jr. and Robert 
Smith (2003) argue that the framers rejected 
the idea of direct election of the president 
not only because the people would not be 
educated but also because “election by the 
people would have disadvantaged the slave-
holding southern states” (12).

Paradoxically, African Americans, who 
were not citizens in most parts of Ameri-
ca in 1787, figured prominently in the cre-
atation of the presidential selection process. 
Moreover, according to Walton and Smith 
(2003), Madison, who initially favored direct 
election by the people, came to support the 
Electoral College instead. He felt that elec-
tion by the people would disadvantage the 
South since the fact that slaves could not 
vote would translate into a North-South vot-
ing disparity (12). Conversely, the Electoral 
College, note Walton and Smith, gave slave-
holding states a big boost by allowing them 
to count their slaves in determining electoral 
votes. This issue largely divided the northern 
and southern delegates; because the majority 
of slaveholding states were in the South, this 
gave a significant electoral advantage to the 
southern states. This became known as the 
Three-fifths Compromise, which stated that 
only three-fifths of the slave population 
would be counted in determining representa-
tion in the House of Representatives and 
in apportioning direct taxes (Article I, Sec-
tion 2).

Here are the specific mechanics by which 
the Electoral College worked, according to 
the original plan adopted in 1787 (Article II, 
Section 1, US Constitution). Each state was 
alotted a number of electors equal to its 
number of US Senators (two), plus its num-
ber of US Representatives (which might 
change each decade according to the size of 
each state’s population as determined in the 
decennial census) (Kimberling, 1992). This 
design gave the states with the largest popu-
lations the larger share of electoral votes, 
and it gave the smaller states a two-seat 
bonus based on their senators. Each state 
was allowed to choose its slate of electors as 
determined by the state legislatures. No elec-
tor could be a member of Congress or hold 
any other federal office.

The modern-day Electoral College differs 
somewhat from the original as planned by 
the framers of the Constitution. The first of 
these changes was the Twelfth Amendment, 
adopted in 1804, which provides that two 
separate ballots be used by the electors, one 
each for votes cast for the president and vice 
president. The Twelfth Amendment was 
designed to address the confusion that arose 
during the election of 1800. Previously, the 
vice presidency went to the runner-up in the 
Electoral College vote for the president. 
Originally, the Electoral College was set up 
so that each elector would vote for two can-
didates. The candidate receiving the greatest 
number of electoral votes, provided it was a 
majority, became president; the runner-up 
became vice president. If no candidate 
received an absolute majority, or if there 
were a tie, then the US House of Representa-
tives chose the president.

The election of 1800, using the original 
system in which each elector voted for 
two candidates, resulted in a tie between 
Thomas Jefferson, the presidential can-
didate, and his own vice presidential can-
didate, Aaron Burr. Per the original plan, the
election was sent to the US House of Representatives, which determined that Jefferson would be elected to the presidency. To avoid a further occurrence of a tie between the vice presidential and presidential candidates, the Twelfth Amendment was proposed and ratified. It states that electors are required to name in one ballot the person voted for as president, and in a separate ballot the person voted for as vice president. Thus, the amendment adapted the Electoral College to a new political party system that the framers of the Constitution had not anticipated.

The second major change was the Twenty-third Amendment, ratified in 1961, which enabled the citizens of the District of Columbia to participate in the election of the president by allotting the District three electors. This change yielded a total number of Electoral College votes that continues today be fixed at 538. Thus, this number is based on 435 representatives in the US House of Representatives and 100 US Senators, plus three votes for the District of Columbia. Therefore, 270 votes (50 percent plus one) are needed to become president.

Today, presidential elections are held every year divisible by four on the Tuesday after the first Monday in November. In fact, this is actually for selecting electors, and not voting for the president. Many Americans are unaware of this step in the process. In most states, the electors' names do not even appear on the ballot. In those states, a vote for a presidential candidate is assumed to be a vote for the corresponding electors (Kimberling 1992).

The Constitution does not specify how electors are to be nominated, but since 1800 they have been chosen by political parties. Each of the two major political parties selects its own set of electors. As a result, presidential electors are not truly independent, as the delegates to the Constitutional Convention no doubt intended, but are closely tied to a political party.

Once the voters have cast their ballots, it is up to each state to determine how the electoral vote will be distributed. Today, every state except Maine and Nebraska awards its electors on a plurality "winner-take-all" basis. Therefore, the presidential candidate who receives the single largest number (a plurality) of a state's popular vote wins the entire slate of electors, even if the combined total of votes for other candidates (a majority) were higher. In Maine and Nebraska, the electoral votes are distributed in proportion to the popular vote. Called the District Plan, one elector is chosen from each congressional district in that state. This district elector is selected by the party whose presidential candidate wins a plurality of the popular vote in that district. In addition to district electors, two electors are chosen at-large from the entire state; their votes typically go to the candidate with a plurality of votes statewide.

Technically, popular votes do not count, and the president is not elected, until the first Monday following the second Wednesday in December. On this date, set by Congress, the electors to meet in their respective state capitals in order to sign their ballots and send them to Washington, DC. The electors pledge themselves to vote for their party's candidates for president and vice president, although the Constitution allows them to use discretion.

On January 6th of the following year, the ballots are unsealed and counted by the president of the Senate before a joint session of Congress. The candidate for president with the most Electoral College votes, provided it is a majority, is declared president. The vice presidential candidate with the majority of Electoral College votes is declared vice president.

Failure to Elect a President: Historical Cases and their Consequences

Since the founding of this nation, the Electoral College has failed to elect a president and vice president on three historic occasions: in 1800, 1824, and 1876. Each of these elections was decided by the US Congress.
Table 1 – US Presidential Election of 1800

<table>
<thead>
<tr>
<th>PRESIDENTIAL CANDIDATE</th>
<th>PARTY</th>
<th>POPULAR VOTE BY COUNT</th>
<th>POPULAR VOTE BY PERCENTAGE</th>
<th>ELECTORAL VOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thomas Jefferson</td>
<td>Republican</td>
<td>41,330</td>
<td>61.4%</td>
<td>73</td>
</tr>
<tr>
<td>Aaron Burr</td>
<td>Republican</td>
<td>-</td>
<td>-</td>
<td>73</td>
</tr>
<tr>
<td>John Adams</td>
<td>Federalist</td>
<td>25,952</td>
<td>38.6%</td>
<td>65</td>
</tr>
<tr>
<td>Charles Cotesworth Pinckney</td>
<td>Federalist</td>
<td>-</td>
<td>-</td>
<td>64</td>
</tr>
<tr>
<td>John Jay</td>
<td>Federalist</td>
<td>-</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>67,282</td>
<td>100.0%</td>
<td>276</td>
</tr>
<tr>
<td>Needed to Win</td>
<td></td>
<td></td>
<td></td>
<td>70</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>US CONGRESS BALLOTS</th>
<th>JEFFERSON</th>
<th>BURR</th>
<th>NO RESULT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st - 35th Ballots</td>
<td>8</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>36th Ballot</td>
<td>10</td>
<td>4</td>
<td>2</td>
</tr>
</tbody>
</table>

Sources: “Historical Election Results,” The National Archives; “US President - National Vote,” Our

The Election of 1800

In the election of 1800 (see above), the two Democratic-Republicans, Thomas Jefferson and his vice presidential running mate, Aaron Burr, each received seventy-three Electoral College votes. The election was decided by the House of Representatives, with Jefferson finally winning on a majority vote (See Table 1 above).

The Election of 1824

The 1824 presidential election also had to be decided by the House of Representatives. The election was unusual because, among other things, the Federalist Party had dissolved and thus left the country with only one political party (Democratic-Republicans). Andrew Jackson, John Quincy Adams and William Crawford received the largest shares of Electoral College votes, although none won a majority. Jackson earned a greater share of the plurality vote with ninety-nine Electoral College votes; John Quincy Adams was second with eighty-four Electoral College votes; and William Crawford was third with forty-one Electoral College votes (See Table 2 above). According to the Twelfth Amendment, the House of Representatives could only select from among the top three vote-getters: in this case, Jackson, Adams, and Crawford. However, a fourth candidate, Speaker of the House Henry Clay, strategically used his position and his thirty-seven Electoral College votes to undermine Jackson, with whom he disagreed strongly on several policy positions, and instead to support Adams with whom he felt more closely aligned issues of trade and support for the (privately owned) central bank, the Second American Bank, etc. Known as the “Corrupt Bargain,” Clay’s strategy allowed Adams to win on the first ballot (See Table 2, page 32). Jackson was infuriated, since he had received a plurality of both the popular and electoral vote.

The Election of 1876

The election of 1876 is widely known as the most disputed presidential election in American history. The Democratic candidate, Samuel J. Tilden, received a plurality of 250,000 popular votes nationwide and a plurality of Electoral College votes (184 to 165 votes more than the Republican candidate, Rutherford B. Hayes) (See Table 3, page 32). Twenty electoral votes were yet uncounted and were in dispute in three southern states: South Carolina, Florida, and Louisiana. (As an interesting aside, the 2000
The election fiasco in Florida was not the first time that state was at the center of a heated presidential election. Recounts in all three states did not resolve the challenge, and in an effort to avert a constitutional crisis, the US Congress passed a law that formed a fifteen-member Electoral Commission charged with resolving the dispute. Five members were chosen from the US Senate, five from the US House of Representatives, and five members from the US Supreme Court. Of the fifteen members, eight were Republicans and seven were Democrats. The Commission resolved each disputed issue in favor of the Republicans, giving all twenty disputed electoral votes to Hayes and thus ensuring that Hayes won the election by a narrow 185 to 184 margin of victory (Derrick Bell, 2004).

Table 2 – US Presidential Election of 1824

<table>
<thead>
<tr>
<th>PRESIDENTIAL CANDIDATE</th>
<th>PARTY</th>
<th>POPULAR VOTE BY COUNT</th>
<th>POPULAR VOTE BY PERCENTAGE</th>
<th>ELECTORAL VOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andrew Jackson</td>
<td>Republican</td>
<td>151,271</td>
<td>41.3%</td>
<td>99</td>
</tr>
<tr>
<td>John Quincy Adams</td>
<td>Republican</td>
<td>113,122</td>
<td>30.9%</td>
<td>84</td>
</tr>
<tr>
<td>William Harris Crawford</td>
<td>Republican</td>
<td>40,856</td>
<td>11.2%</td>
<td>41</td>
</tr>
<tr>
<td>Henry Clay</td>
<td>Republican</td>
<td>47,531</td>
<td>13.0%</td>
<td>37</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td>13,053</td>
<td>3.6%</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>365,833</td>
<td>100.0%</td>
<td>261</td>
</tr>
</tbody>
</table>

Needed to Win

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US CONGRESS BALLOTS

<table>
<thead>
<tr>
<th>1st Ballot</th>
<th>ADAMS</th>
<th>JACKSON</th>
<th>CRAWFORD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>13</td>
<td>7</td>
<td>4</td>
</tr>
</tbody>
</table>


Table 3 – US Presidential Election of 1876

<table>
<thead>
<tr>
<th>PRESIDENTIAL CANDIDATE</th>
<th>PARTY</th>
<th>POPULAR VOTE BY COUNT</th>
<th>POPULAR VOTE BY PERCENTAGE</th>
<th>ELECTORAL VOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rutherford B. Hayes</td>
<td>Republican</td>
<td>4,034,311</td>
<td>47.9%</td>
<td>185</td>
</tr>
<tr>
<td>Samuel J. Tilden</td>
<td>Democratic</td>
<td>4,288,546</td>
<td>51.0%</td>
<td>184</td>
</tr>
<tr>
<td>Peter Fennimore Cooper</td>
<td>Greenback Labor</td>
<td>75,973</td>
<td>0.9%</td>
<td>0</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td>14,271</td>
<td>0.2%</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>8,413,101</td>
<td>100.0%</td>
<td>369</td>
</tr>
</tbody>
</table>

Needed to Win

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Derrick Bell argues in *Race, Racism, and American Law* (2004), that the Democrats need not have accepted this resolution. It appears that an informal deal was made to resolve the dispute. Bell asserts that the Democrats accepted this arrangement “... because of several understandings between Democratic and Republican leaders that if the Republican Hayes were elected, the national administration would withdraw the remaining federal troops from the South” (38).

This deal, while known as the Compromise of 1877, spelled the death knell for Reconstruction (1863-1877), a period that included passage of the Thirteenth, Fourteenth, and Fifteenth Amendments. During Reconstruction the national government attempted to address issues of the defeated southern states' return to the Union and to bestow the full rights and privileges of citizenship upon African Americans.

After the Compromise of 1877, the national government removed federal troops from the South, and African American gains in political, economic, and social arenas were quickly halted by southern whites determined to return the South to its antebellum ways (See C. Van Woodward, *The Strange Career of Jim Crow*, 1974).

**Review of the Relevant Literature**

The Electoral College has been a staple of United States democracy since the ratification of the Constitution. Since that time, 43 Presidents have come and gone, although not always without controversy. It is a well known fact that, to date, the Electoral College, on four occasions, has failed to successfully elect a President without dispute: the fourth controversial election was in 2000. Because of these four episodes and particularly as a result of the infamous 2000 election, many scholars have called for either reform or abolition of the Electoral College. On the other hand, there are scholars who contend that despite these episodes, the Electoral College is not broken, and thus does not need fixing.

Overall, the debate on the topic of the Electoral College is alive and well in both academic and political circles, as will be demonstrated by the analysis of relevant literature that follows here. In researching this topic, it is logical to use three broad categories, delineated in accordance with a stated stance on the viability of the Electoral College. The three categories are as follows: those who favor the Electoral College as is, those who want to maintain it but suggest reform, and those who support extreme overhaul, or abolishment of it altogether.

**In Favor of the Electoral College**

In preparing to write about this subject, it became evident that for each of the three approaches, there exists a roughly equally proportionate amount of material. Judith Best (2004) articulates her position well in her article, *Presidential Selection: Complex Problems and Simple Solutions*, in which she outlines the benefits of the presidential selection process which she feels are consistent with the electoral vote process. These benefits include: selecting a president who can govern; having an election that produces a swift, sure, clean, and clear decision; preservation of our moderate two-party system; an electoral system that provides for politically effective representation (Best, 2004). After enumerating these benefits, she concludes that reforming the Electoral College would be a disservice to American government and of benefit to no one.

*Securing Democracy: Why We Have an Electoral College*, edited by Gary Gregg (2002), is a collection of essays by scholars who defended the Electoral College in the aftermath of the 2000 presidential election, principally on the grounds that it is part of the US Constitution and has endured since the nation was founded. The authors argue that the Electoral College maintains our system of federalism—the division of power between a central government and state governments—and gives small states meaningful participation in the democratic process, decreases voter fraud, and enhances minority group status in voting for the presidency. Lucius Barker, Mack Jones, and Katherine Tate (1999) agree that the Electoral College can empower minority groups. They use the Carter and
Ford presidential election of 1976 as instructive of this argument, asserting that:

The Electoral College system of deciding presidential races is a longstanding target of liberals who believe that it undermines the principle of "one person, one vote." African Americans, who in other instances would agree with this principle, also recognize that in contests like the 1976 campaign between Carter and Ford, their votes had a larger impact than would be the case if the popular vote alone determined the winner. (Barker, Jones Mack & Tate, 309)

In his article, The Electoral College and the Development of American Democracy, Gary Glenn (2003) contends that misconceptions about the Electoral College are given as reasons for the call to abolish it, and states that the system, in all actuality, works properly. According to Glenn, "...the Electoral College was originally, and remains, more democratic than any practical alternative...it is more democratic than 'direct popular election'" (2003, 4).

William C. Kimberling has offered an excellent analysis of the pros and cons of the Electoral College (1992), and concludes that the system is not broken. States Kimberling, "The fact that the Electoral College was originally designed to solve one set of problems but today serves to solve an entirely different set of problems is a tribute to the genius of the Founding Fathers and to the durability of the American federal system" (19). Kimberling also asserts that the Electoral College benefits minority voters. He argues that since ethnic minority groups tend to concentrate in those states with the most Electoral College votes, they assume an importance to presidential candidates well out of proportion to their number (16).

Other writing in favor of the status quo is found in editorials from newspapers and magazines across the country. In an editorial titled, "Origins and History of the Electoral College" (2000), Bob Djurdjevic points out that the Electoral College contributes to the cohesiveness of the country by requiring a distribution of popular support in order to be elected president, enhances the status of minority interests, contributes to the political stability of the nation by encouraging a two-party system, and maintains a federal system of government and representation (where important political powers are reserved for the states) (Djurdjevic 2000).

Minor Reforms to the Electoral College

The next group of authors belongs to the minor reform section of this article, since they are not in favor of drastic change. In a collection of essays that appeared in the Wilson Quarterly, several scholars discussed their suggestions for improving the Electoral College. Alexis Simendinger, James A. Barnes, and Carl M. Cannon (2001), in Pondering a Popular Vote, suggest slight tweaks to the Electoral College. For example, they propose a move to the splitting of districts in all states, similar to that of Maine and Nebraska. With the district splitting method, a state divides itself into a number of districts, allocating one of its state-wide electoral votes to each district. The winner of each district is awarded that district's electoral vote, and the winner of the state-wide vote is then awarded the state's remaining two electoral votes. Support for this idea is echoed by several others: Richard E. Cohen and Louis Jacobson (2001), in their publication Can It Be Done, Michael Steel (2001), As Maine and Nebraska Go...; and by Burt Solomon (2001), in his article "What Were They Thinking?"

Other scholars agree with the notion that the Electoral College should not be replaced altogether, but rather that we should make some modifications. These authors present a common argument that holds 1) that reform is needed because of the lack of minority representation, and 2) the current system needs to be reformed as soon as possible because of inherent biases, and 3) the fact that the winner of the popular vote may lose in the Electoral College puts the country in a messy situation.

The first reason for reform is presented by Grant Hayden (2004) in Resolving the Dilemma of Minority Representation, in which he finds that the problem of under-representation of minority voters results from malapportioned districts. The second of bespoke three major arguments for reform is developed by Scott James and Brian Lawson (1999). They
develop a model of Electoral College competition and apply it to the transformation of nineteenth-century voting rights enforcement. They acknowledge that the Electoral College is a highly structured institution with precise rules, procedures, and norms of behavior, but find that “party candidates do not compete for electoral votes with equal intensity in every state” (116). Furthermore, they argue that the Electoral College “…injects a set of biases into presidential elections that work to advantage some states and certain groups over others in the competition for candidate attention” (117), and note a discussion in the literature “…about the distorting effects of the Electoral College, such as its contribution to minority vote dilution, its bias against third parties (or even one of the major parties), and its potential to provoke unpopular choices and even constitutional crisis…” (117).

The last reason for reform is offered by Robert Erickson (2001), who examined the 2000 presidential election in historical perspective and asserted that, “The defect of the Electoral College is that as the popular vote becomes extremely close, converging on a tie, the Electoral College outcome becomes extremely arbitrary” (43). Cecil E. Bohanon and T. Norman Van Cott (2003), along with Erickson (2001) suggest that the current Electoral College system is in disarray and could cause severe public backlash if not reexamined soon.

Major Reforms to the Electoral College

Scholars in this category are very aggressive in their suggestions for changes to the Electoral College. Almost all support changes that would make the current election system comparable to those in Europe or South America, meaning some type of proportional representation, or instant runoff system that, in theory, would eradicate the spoiler effect of the third party in the current American system. Offering direct political insight on this argument is Senator Richard (Dick) Durbin, D-Illinois, who examines the disparity between popular and electoral vote totals. Durbin takes issue with the traditional argument that smaller states have an advantage in the Electoral College because all states receive a minimum of three electoral votes regardless of their size. Quipped Durbin (2001), in a Senate floor speech, “Any serious study of presidential campaigns would demonstrate that the more populous states, with their large electoral prizes, as well as medium-sized swing states, have the true advantage” (19). Thus, he has proposed changes to the current electoral process. David Wells (2004) argues that the Electoral College should be abandoned altogether and replaced with the direct popular vote (9). Interestingly, Wells opposes those critics of the Electoral College who offer proportional representation and district system voting as alternatives. He states that the two systems, the proportional system and the district system, would only tinker with the Electoral College and suggests that the most clearly democratic option is direct election (2004, 9).

Douglas J. Amy (2001), Robert Turner (2005), Matt Shugart (2004), Jack Rakove (2004), and Alexander Keyssar (2003) examine ways to change the current system. Amy (2001) discusses the small state bias, which, he argues, gives small states more power than they deserve and large states less. Secondly, he discusses the “spoiler” problem—where a minor party candidate takes enough votes from one major party candidate to allow the victory of another major party candidate who, otherwise, would not have won (160). Amy thinks that although major reform of the Electoral College is greatly needed, it will be difficult because of the requirement of a constitutional amendment (161).

Five Current Calls for Reform:

District Voting, Proportional Representation, National Bonus Plan, Instant-Runoff Voting, and Direct Election

In the following section, I review proposals by scholars for five different types of reform to the current election system, from major reforms to completely new ways to elect the president.
1. District Voting

One major reform proposed is to adopt the district voting system. Robert Turner (2005) argues that the electoral rules for the district system, currently used only in Maine and Nebraska, should be adopted by all of the states (117). The district system is seen as an alternative to direct elections because it removes the distortions of the winner-take-all system, and because, unlike the direct popular vote, it can be enacted by state law since it does not require a constitutional amendment. Turner (2005) notes that, "While the adoption of the district system would change how the popular vote is translated into Electoral College votes, its major impact would come from changing the electoral strategy of presidential campaigns from battleground states to battleground districts" (134).

Moreover, Turner contends, under the district system, presidential candidates would have to campaign in more states and build a broader geographical electoral coalition than under the winner-take-all system. Turner (2005) sees this as good in that, "The change in campaign strategy would presumably increase citizen participation and voting in presidential elections" (135).

Curtis Gans (2001) also favors maintaining the Electoral College but adopting the Maine-Nebraska system. Gans acknowledges that modern presidential campaigns concentrate on the so-called battleground states to the exclusion of other states. However, he notes, "But it was in the seventeen battleground states that one could see the virtues of the Electoral College. Candidates had to read about and speak to regional, state, and local concerns" (32). Under this system, according to Gans, candidates would not abandon whole regions because a state may have Democratic districts, Republican districts, and swing districts that would require even more grassroots activity (12).

Turner acknowledges that a potential drawback of the districting system concerns the manner in which state legislatures might create the districts that would serve as the basis for presidential electors. There is an even greater potential for partisan gerrymandering now that the Supreme Court has stated that congressional redistricting may occur more than once a decade (League of United Latin American Citizens v. Perry, 2006). The district vote plan will not exclude the possibility that the loser of the popular vote nationwide might still win the presidency in the Electoral College.

2. Proportional Representation

A second and dramatic reform proposal is the proportional vote plan. It is intended to make the relationship between the popular vote and the Electoral College vote proportional. Instead of the winner-take-all voting that now occurs in most states, the electoral votes in each state would be awarded to the presidential candidates in direct proportion to the number of popular votes each received. To assume the presidency, a candidate would be required to earn 40 percent of all the states' electoral votes. If this requirement were not met, then a joint session of Congress would convene to select the president from among the top two vote-getters. David Wells (2004) cautions that "...the disposition of electoral votes is currently governed by state, not federal law (9). Furthermore, notes Wells, Colorado citizens defeated a referendum to adopt a proportional system on November 2, 2004. Had the referendum passed, states Wells, "...the change would only have applied to Colorado" (9). Shugart (2004) states that proportional representation is viewed by most Americans as foreign and complex (653). He notes, with a degree of irony, that the Democratic Party uses proportional representation in all of the states, and the Republican Party uses proportional representation in some states in the selection of delegates in their presidential primary elections (653). One consequence is that the major political parties would see this as a direct threat (Amy, 2001).

3. National Bonus Plan

The lately deceased historian Arthur Schlesinger (2000) offered a third reform plan in which he argued for retaining the current system with slight adjustments. In what he called the National Bonus Plan, he proposed that the total number of electors in the Electoral College be reduced from 538 to 438, with each state awarded a number of electoral votes equal to its number of
members in the US House of Representatives, and the District of Columbia awarded three votes. Each state would be required to use a winner-take-all system. According to Schlesinger (2000), "The solution is to award the popular-vote winner a bonus of two electoral votes for each state and the District of Columbia" (2). Moreover, he asserted, "With an automatic 102 Electoral College votes, the popular-vote winner would almost certainly win the Electoral College" (2).

4). Instant Runoff Voting

A fourth electoral reform concept is the alternative vote which is called the instant-runoff voting or IRV. According to Amy (2001):

In this system, voters mark their preferences on the ballot by putting a "1" next to their first choice, a "2" next to their second choice, and so on. A candidate who receives over 50 percent of the first preference votes is declared the winner. Otherwise, the weakest candidate is eliminated and his or her votes are reallocated to the voters' second choice candidates. This reallocation process continues until one candidate receives a majority of the votes. (162)

An advantage to this system is that it would eliminate the spoiler problem (Amy 2001, Shugart 2004). It was because of Ralph Nader's role as the spoiler candidate in the 2000 presidential election that there is increased interest in this system. Shugart (2004) who has done a comparative study of the presidential election process has noted two trends worldwide in presidential elections: movement away from methods that are vulnerable to minor-party spoiler effects, and second, movement away from indirect methods (639). Shugart concludes:

...if we accept the basic "presidentialist" premise that a politically powerful president should be supported by a majority (or close to it, and not less than a plurality) and should represent the nation at large, then the US procedures would seem to fall short. (654)

5). Direct Election

A fifth and arguably the most popular reform measure proposed to date is the direct election plan. This plan would eliminate the role of electors, allowing citizens to vote directly for the president and vice president. Many see this as a good plan for several reasons: it would underscore the democratic principle of "one person, one vote"; and it would require candidates to campaign in both big states and small states (Keyssar, 2003); it would make the election for president and vice president a national election rather than a state election, as is currently the case. Keyssar (2003) reminds us that in Bush v. Gore (2000), the US Supreme Court reminded American citizens that they have no constitutional right to vote in federal elections (182). As Keyssar notes, even the numerous constitutional amendments that deal with voting "...prevent the states from denying people the franchise on particular grounds, but they do not directly confer the right to vote on anyone" (182). Keyssar argues for an overhaul of the current system because of the disproportionate weight it gives to voters who live in small states and for its contradiction of the principle of "one person, one vote" which he feels is at the heart of modern conceptions of democracy. He advocates replacing the current system with a national popular vote for directly electing the president and vice president.

As it now stands, the allocation of Electoral College votes is exclusively a matter of state law. Maine and Nebraska are currently the only two states that do not award all of their electoral votes based on the winner-take-all system. The positive aspect of this is that states have flexibility and independence in choosing how to award Electoral College votes. And then, direct and popular elections and the national bonus plan would all require constitutional amendments, a difficult goal to accomplish. A constitutional amendment would require a two-thirds majority vote of both houses of Congress and subsequent ratification by three-fourths of the states.

Direct Election is a proposal that calls for direct election via interstate compact. There is a movement afoot in several states to implement such a compact, and the website nationalpopularvote.com outlines
how the National Popular Vote Plan and interstate compact would work. According to this website, the compact would function by having states agree to award all of their electoral votes jointly to the presidential candidate who receives the greatest number of popular votes in all fifty states and the District of Columbia. The proposed interstate compact would not take effect until identical legislation is enacted by the states in possession of a majority of the Electoral College votes (270 of the 538 electoral votes). Thus, the compact would only take effect when it could guarantee an Electoral College majority to the presidential candidate who receives the most popular votes in all fifty states and the District of Columbia (“National Popular Election of the President: The Plan,” [2].

Jack Rakove (2004), who thinks the Electoral College was obsolete within the first ten years of its inception, warns that the interstate compact alternative also is problematic. This system, states Rakove:

...assumes, first, that legislators, for reasons of principle, would somehow transcend their own partisan preferences, and those of their constituents, to adopt a self-sacrificing rule that would commit one state’s electors to the preferences of voters of other states. (25)

The Electoral College and the Problems of Minority Vote Dilution

One of the more recent controversies of the Electoral College concerns whether this system unfairly dilutes the votes of racial and political minorities. Samuel Issacharoff (2005) offers an interesting discussion of the problems with the winner-take-all decision rule currently used by forty-eight states plus the District of Columbia to distribute their Electoral College votes. Issacharoff (2005) argues that, unlike the Electoral College itself, the winner-take-all system for choosing electors may be constitutionally challenged. He states that the argument against the Electoral College rests on the belief that it is inconsistent with the notion of majoritarianism. However, he argues, “The argument against the winner-take-all system is not that it is inconsistent with notions of majority rule, but rather that it gives the majority too much power” (Issacharoff 2005, 128).

Moreover, asserts Issacharoff, James Madison’s concern with the tyranny of the majority is well noted in Federalist Number 10. Issacharoff (2005) sees a connection between several decades of case law under both the Constitution and the Voting Rights Act of 1965 that renders suspect at-large electoral schemes (See Thornburg v. Gingles, 1985). He notes that federal courts have dismantled local electoral systems that systematically over-reward majorities who vote along racial lines, while denying a similar opportunity for representation of the minority (See Davidson and Grofman, 1995). Interestingly, Issacharoff (2005) states that, “...although the legal application to this body of law is yet unclear, the way the Electoral College operates in most states may render it legally vulnerable” (129).

Legal scholar Lani Guinier sees the Electoral College as anachronistic and unfair and calls for its abolishment. Guinier has written extensively on her opposition to the winner-take-all system. In an article titled “Making Every Vote Count” (2000) her argument mirrors that of other opponents of the winner-take-all system, in that she notes that the country appears to be evenly split between Red (Republican) and Blue (Democratic) states, and that the number of competitive swing states is declining. Because of this, candidates spend most of their time and campaign resources in these battleground states. Guinier takes issue with the argument of some proponents of the Electoral College who claim that it is necessary to insure that small states are not ignored. In reflecting on the 2000 presidential election, Guinier (2000) stated:

Yet the many states—including small ones—that weren’t close in this election were neglected by both campaigns. Some of the nation’s biggest states, with the most people of color, saw very little presidential campaigning and get out-the-vote activity. (4)

Moreover, Guinier (2004) has consistently argued that “...winner-take-all elections under-represent the voice of the minority and exaggerate the power of a state with a razor-thin majority. Winner-take-all is the great barrier to representation of political
and racial minorities at both the federal and the state level" (4). Further critiquing the system in her book, *Tyranny of the Majority* (1994), she states:

...the winner-take-all principle inevitably wastes some votes. The dominant group...gets all the power; the votes of supporters of nondominant groups or of disaffected voters within the dominant group are wasted. Their votes lose significance because they are consistently cast for political losers. (121)

**Structural Problems with the Electoral College**

The Electoral College has endured since the founding of this nation in 1787. However, it has always been a source of controversy and debate. Four of the most pronounced issues of contention are as follows: equal representation, election of an unpopular president, focus by candidates on swing states, and faithless electors.

The issue of representation has always been problematic for the Electoral College. As remarked earlier, some critics argue that the system violates the principle of "one person, one vote." This is because each state, no matter how small its population, is guaranteed a minimum of three Electoral College votes, since each has at least one congressional district and two US Senators. The result is that voters in the smaller states tend to be overrepresented, and voters in larger states tend to be underrepresented. Using 1988 as an example, William Kimberling (1992) states:

...the combined voting age population (3,119,000) of the seven least populous jurisdictions of Alaska, Delaware, the District of Columbia, North Dakota, Vermont, and Wyoming carried the same voting strength in the Electoral College (twenty-one Electoral votes) as the 9,614,000 persons of voting age in the state of Florida. (14)

Moreover, notes Kimberling (1992), "Each potential vote in Florida carried about one-third the weight of the potential voters in the other listed states" (14).

Another cloud hanging over the Electoral College is the possibility that it will elect a president who loses the popular vote to another candidate. As noted earlier, this occurred three times in the nineteenth century: with John Quincy Adams in 1824, Rutherford B. Hayes in 1876, and Benjamin Harrison in 1888. All three presidents received fewer popular votes than their opponents, but won the election either in the Electoral College or in the US House of Representatives.

At the turn of the twenty-first century, the 2000 presidential election gave George W. Bush roughly 600,000 fewer popular votes nationwide than Al Gore, yet allowed him to win the election in the Electoral College despite a contentious battle for Florida’s thirty-seven electoral votes, which included counts and recounts and allegations of voter fraud and official misconduct (See Berry, 2001).

A third dilemma that arises in the current system is that candidates no longer campaign in all fifty states. This has become a problem for the Electoral College because candidates now focus their attention on the large swing states. As critics have pointed out, since most states use a winner-take-all system, candidates tend to focus more attention on large states that are without a clear favorite. New York, Texas, and California have the largest populations but are generally expected to support a given political party; hence, candidates will not spend valuable campaign funds in those states. Candidates tend to ignore some states that are winnable for both major parties yet yield only a small number of Electoral College votes. But large "swing" states like Florida, Ohio, and Pennsylvania are usually considered winnable for both major parties and each yields a large number of electoral votes. Because of this, candidates tend to spend a disproportionate amount of time and campaign funding in the swing states.

One other problem that has had a lesser effect on election outcome is that of "faithless electors" (Kimberling, 1992, 14). The founding fathers originally designed the Electoral College to allow individual electors to decide on candidates. This process changed with the advent of political parties. Although most electors are pledged to vote for a party’s candidate for president, they are not legally bound to
cast their votes for the candidate who won their state’s popular vote. On several occasions, electors have broken that pledge and voted for another party’s presidential candidate. However, these votes have been so few that they have never altered the outcome of a presidential election.

Conclusion

Just as there are compelling arguments for keeping the Electoral College as it is, there are likewise compelling arguments for abolishing it altogether, particularly as regards minority representation. It is interesting to note that supporters of the Electoral College argue that it enhances minority representation, while, conversely, some critics of the Electoral College argue that it dilutes minority representation. Lucius Barker, Mack Jones, and Katherine Tate (1999), assert that abolishing the Electoral College would actually work to the disadvantage of blacks. They note that in the 1976 election between Jimmy Carter and Gerald Ford, the distribution of the black vote in the South and the industrialized Northeast gave Carter the necessary Electoral College votes to win the presidency (309). Kimberling (1992) argues that the Electoral College gives minority groups in large states an importance well out of proportion to their number (16). But this argument assumes that racial and ethnic minorities always vote as a cohesive group. This is no longer true in American society. Blacks and Hispanics are increasingly voting for candidates of both major political parties, as well as alternative party candidates.

Moreover, Samuel Issacharoff and Lani Guinier argue that the winner-take-all provision used in all but two states may be constitutionally vulnerable. Both essentially see this decision rule as granting too much power to the majority at the expense of the minority. Guinier (2000) states that the winner-take-all system under-represents the voice of the minority and exaggerates the power of one state’s majority (4). She sees it as a barrier to political and racial minorities. Issacharoff (2005) takes this argument one step further. He argues that the case law over the last several decades concerning the Constitution and the Voting Rights Act may be applicable to the winner-take-all system. He notes that this case law has dismantled those suspect state-level, at-large electoral systems that disadvantaged African Americans precisely because those systems over-rewarded the white majority when they voted along racial lines. According to Issacharoff (2005), the winner-take-all system could also be considered a suspect, at-large electoral system that disadvantages political and racial minorities (128).

The Electoral College is a product of the Constitutional Convention in 1787. It was created when this country was vastly different than it is today in a multitude of ways. The country was comprised of only thirteen states; today, fifty states form the Union. Most Americans at that time did not have the right to vote; the right to vote has been extended since that time through constitutional amendments to African Americans (1865), women (1920), and eighteen-to twenty-one year olds (1971). The founders envisioned a system that would temper the effects of majority rule by an uninformed electorate, and preserve the power of the slave-owning states and small agrarian farmers; now, many participants of the Electoral College debate aim to understand which voting system best provides for minority representation. Americans have the necessary education and access to information to make informed decisions.

For all these reasons, the Electoral College is an anachronism that no longer serves the nation well. It violates the principle of “one person, one vote” which is fundamental to a democratic society. It should be abolished in favor of the direct popular vote, and short of a constitutional amendment, the country should adopt the National Popular Vote Plan.

Works Cited
