

The Electoral College

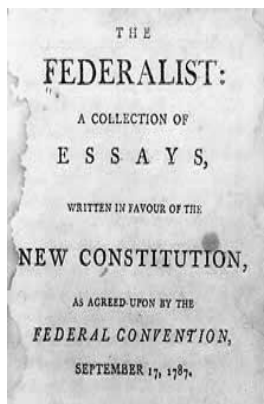
Origin

The creation of the Electoral College is a testament to the distrust the Framers had for democracy. They had mixed feelings about it, and in some cases thought it mob rule like. In fact, James Madison and Alexander Hamilton referred to democracy as “inconvenient” and “imprudent.” This is important to note because despite beginning the U.S. Constitution with the words, “We the people...,” democracy is not the form of government guaranteed, a republic is. To be clear, aspects of democracy are throughout the American system of government, but foundationally, the

Framers believed it was something to be checked, when possible, especially within the context of elections. To make the point, only the U.S. House of Representatives has been directly elected by the people since 1788. From 1788 until 1913, U.S. senators were elected by state legislatures, a representation of the people, but not directly by them. The same, more or less, can be said of electing the president.



The United States was a very different place in 1787, and the Framers were concerned about the people directly electing the nation’s president. Specifically, they wondered if the people would possess the wisdom to make such a decision. After all, in the late 18th century, most Americans had limited knowledge when it came to public affairs. Few traveled across state lines, making residents state centric, and familiar only with their state’s problems. Few bought newspapers because it was expensive, leaving many to receive their national news from weeks old pamphlets posted to their church’s bulletin boards or boards in the town square. In point of fact, how familiar could one be with the leaders of other states? In the case of electing a president, would the people really know who was best or would they choose their favorite son for national office? These were the questions faced by the Framers, and to strike the proper balance between popular sovereignty and state difference, the Electoral College was established.



The Federalist Papers explains this process and the reasons for why the Electoral College will work the way it will. First, in *Federalist 39*, James Madison explains:

"The immediate election of the president is to be made by the states in their political characters. The votes allotted to them, are in a compound ratio, which considers them partly as distinct and co-equal societies; partly as unequal members of the same society. The eventual election, again is to be made by that branch of the legislature which consists of the national representatives; but in this particular act, they are to be thrown into the form of individual delegations from so many distinct and co-equal bodies politic. From this aspect of the government, it appears to be of a mixed character, presenting at least as many federal as national features."

Here, Madison is identifying the structure, that through state legislatures, the selection of electors will be assembled for the purpose of casting votes for president, with certification of those votes

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being made by the U.S. Congress. With Madison's explanation, the federal character emerges because the national interests of electing a good person to the office of president is considered with the interests of the states.

Hamilton follows in *Federalist 68*, when he explains:

"It was desirable that the sense of the people should operate in the choice of the person to whom so important a trust was to be confided. This end will be answered by committing the right of making it, not to any preestablished body, but to men chosen by the people for the special purpose, and at the particular conjuncture. It was equally desirable, that the immediate election should be made by men most capable of analyzing the qualities adapted to the station, and acting under circumstances favorable to deliberation, and to a judicious combination of all the reasons and inducements which were proper to govern their choice. A small number of persons, selected by their fellow-citizens from the general mass, will be most likely to possess the information and discernment requisite to such complicated investigations."

Hamilton's view that the people will elect men to act on their behalf in the election of a president allows for the necessary wisdom and judgment needed for the evaluation of strengths and weaknesses of the candidates for the purpose of election to the office of president.

Since the Federalist Papers publication, not much has changed in this regard.

Function Today



As prescribed by the Constitution, the state legislatures decided how the electors will be selected. These electors gather in their state capitals in December to formally cast their vote for president and vice president. With the exception of Maine and Nebraska, the electors of the states cast their vote for the candidate that wins the state's popular vote for president of the United States. In general, this process has four steps:

- Selecting the electors at the state level (people appointed by each political party in a presidential election as members of the electoral college)
- Meeting of those electors
- Voting of those electors for president and vice president
- Counting of the electoral votes by Congress

There are 538 electors in the Electoral College. This number is based on the number of members in the U.S. House of Representatives, the U.S. Senate, and the District of Columbia. Each state's electoral votes are based on the number of members they have in the U.S. House of Representatives and U.S. Senate. For example:

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State	Senate Members (2 per state)	House Members (depends on the population of the state)	Number of Electors
Florida	2	28	30
North Dakota	2	1	3
Colorado	2	8	10

When eligible voters cast their vote for a presidential candidate, they will see the candidate's name on the ballot. However, what they are voting for is their candidate's party slate of electors. Under Florida law, whichever presidential candidate wins Florida's popular vote, wins Florida's electoral votes.

In January of the year following a presidential election, a state's electoral votes are publicly certified and counted before a joint session of Congress. The Vice President of the United States presides over the count in their capacity as President of the Senate and certifies the election results.



The Purpose of the 12th Amendment

The election of 1800 stands out for several reasons, but in particular because it is the reason for the creation and passage of the 12th Amendment to the U.S. Constitution. In this election, President John Adams ran for re-election against his vice president, Thomas Jefferson. Prior to the ratification of the 12th Amendment, candidates for president ran for that office, and that office alone. The winner of the election was elected president and the candidate that came in second was elected vice president.

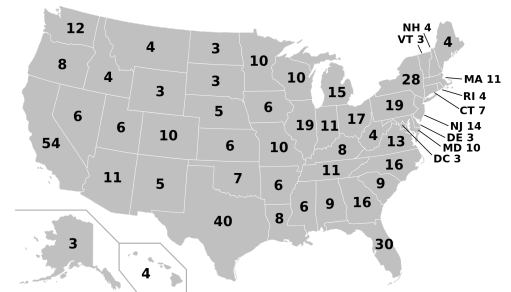
For President Washington's elections in 1788 and 1792, this was not a problem, because both he, and his vice president, John Adams, were members of the Federalist Party. However, problems with this process began emerging with the election of 1796. Here, Vice President John Adams and former Secretary of State Thomas Jefferson were running for president. John Adams received the most electoral votes, making him president, while Jefferson came in second, making him vice president, and marking the first time the president and vice president of the United States were of different political parties. Adams was considered a Federalist, while Jefferson was considered a Democratic-Republican.

By 1800, Adams and Jefferson stood against one another again, but this time they had "running mates." Adam's "running mate" was Charles C. Pinckney of South Carolina and Jefferson's "running mate" was Aaron Burr of New York. Despite having a "running mate" of the same party, the process for electing the president and vice president was unchanged. So, when the electoral vote was counted, Thomas Jefferson and Aaron Burr tied for first, which meant President Adams came in third and lost his reelection bid, a first in American history.

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Because Jefferson and Burr tied at 73 electoral votes each, also a first, the tie was sent to the House of Representatives. Under the rules, each state delegation had one vote. It took 36 separate votes to elect Jefferson president. As the runner-up, Burr became vice-president. This election was so bitter and divisive that it was decided a change to the process was needed.

Since the Electoral College process is detailed in Article II, Section 1 of the U.S. Constitution, the only way to change it was through a constitutional amendment. Under the conditions of the 12th Amendment, candidates for president and vice president of the United States must meet the same constitutional eligibility requirements and be from different states. Electors in the Electoral College must cast one vote for the president and one vote for vice president. If no candidate receives a majority of the electoral votes for president, then the House of Representatives will decide the election. If the same happens for the vice president, the Senate will decide the election.



Interestingly, an important portion of the 12th Amendment would be used just 20 years following its ratification in the 1824 election. In this election, Andrew Jackson won the popular vote, but not the majority of the Electoral College votes over his opponent, John Quincy Adams. The House ultimately voted for Adams in what Jackson termed, 'The Corrupt Bargain.' Since 1824, the candidate winning the popular vote, but not the Electoral College vote has occurred in four elections, 1876, 1888, 2000, and 2016.

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