

ELECTORAL COLLEGE

Article II, Section I of the United States Constitution establishes the Electoral College as the means by which candidates are to be elected to the offices of president and vice president. The Electoral College was a compromise among the delegates to the constitutional convention. The compromise was intended to address two concerns of the delegates. The then larger states of Virginia, Pennsylvania and Massachusetts, for example, with their large populations could constantly determine who served as president and vice president. Also, at the time there was concern that allowing the popular vote for all eligible voters might result in less informed voters having a substantial and perhaps determinative say in the election.

Briefly, the Electoral College provides that each state is entitled to one elector for each Senator and one elector for each Member of the House of Representatives from that state.

Each state has two senators, regardless of the number of inhabitants (eligible voters) in the state. Equality of the number of senators per state is an acknowledgment that each state is sovereign and therefore equal. Equality requires equal representation at the senatorial level in the Congress.

In the House of Representatives the number of members each state can have is based upon the population in each state as determined by a census that is taken every ten years. At the time the Constitution was ratified it provided that there would be one member of the House of Representatives for every 30,000 inhabitants. These inhabitants were defined as the whole number of free persons, including those bound to service for a Term of Years, and excluding Indians not taxed, three fifths of all other persons (slaves). There is also a proviso: that each state is entitled to at least one member of the House of Representatives, regardless of population. For example, if a state had a population of only 15,000 inhabitants it nevertheless had one representative in the House of Representatives. If a state had 35,000 inhabitants it was entitled to 1 member in the House of Representatives. If it had 65,000 inhabitants it had two members of the House of Representatives, and so on.

This arrangement is itself a compromise between the legal equality of states (sovereignty) and a recognition that states with large populations usually have more wealth and influence as a matter of fact. In other words in reality some states are more equal than others and in order to get all of the 13 states to ratify the Constitution a compromise that acknowledged this reality was needed.

The following is an example of how one party could win the popular vote, but lose in the Electoral College and thus lose an election. To keep it simple I will use the number of inhabitants required for one representative as the Constitution originally required: 30,000 for each representative keeping in mind that each state must have at least one representative in the House of Representatives regardless of population. And except for the states of Nebraska and Maine the legislatures of the remaining states have decided that the candidate that wins the popular vote in its state election is awarded all of the electoral votes.

STATE	POPULATION	POPULAR VOTE		ELECTORAL COLLEGE	
		DEM	REP	DEM	REP
A	25,000	13,000	12,000	3	
B	33,000	17,000	16,000	3	
C	59,000	<u>27,000</u>	<u>32,000</u>	—	<u>3</u>
TOTAL		57,000	60,000	6	3

As a result of the Electoral College, notwithstanding that the Republicans have won the popular vote they lose the election because elections are decided by the vote of the Electoral College. This kind of a result has happened four times in the history of the United States.

One consequence of the Electoral College system is that the United States has 50 state elections for the president and vice president and not a national election. Polls conducted at the national level might show a candidate leading with the popular vote, but behind in the polls in the electoral vote. In close situations, where polling in a particular state before the election shows that the popular vote in the state is close, the so called “battle ground” states, we would find the candidates focusing their efforts in order to garner the electoral votes.

Some have argued that the Electoral College is outdated and unfair and that presidential elections should be conducted at the national level and by popular vote. To do this would require an amendment to the Constitution. But the vote of some of the less populated states that benefit from the present system would be required to amend the Constitution. It is unrealistic to expect a state to vote for an amendment that would lessen its influence on the national stage and it would not happen.

There arguably is a benefit to the Electoral College it gives the mid-western states an opportunity to play a meaningful role in the election of a president. With a constitutional amendment that provides for elections by a popular vote the focus of the candidates would be on the East and West coasts with their vast populations on. They would ignore the other areas of the country. In the long run a lack of a realistic opportunity to meaningfully participate in the selection of a president might discourage participation in elections.

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