
ABOLISMENT OF THE ELECTORAL COLLEGE

The Electoral College system, put in place by the Founding Fathers, and modified by the Twelfth Amendment, is what determines who will become President of the United States. In this system, the President is chosen, not by a direct election, but through a vote of electors chosen by the method of the states choosing. The only Constitutional restriction on this process is that the electors cannot be related to the federal government. Though it was not in place originally, this has evolved into a system where the state gives their electoral vote to the winner of their own popular vote. In a country in the midst of a populist uprising, demanding no taxation (or rule) without representation, an outside observer would wonder why this system that seems so contrary to their aims would be implemented. There are two main reasons why this is the case.

The first, and most cited reason, is that this system was intended to safeguard the government from the peopleⁱ. The U.S. government is based on checks and balances, no one branch can rule without the others, preventing the government from becoming dictatorial. However, when the voting populace lacks the necessary knowledge about the candidates, then they would be incapable of making the best choice. This logic makes a great deal of sense in eighteenth century America. A rural populace, spread out over a vast number of local communities, would rarely reach the level of information receive by their urban counterparts. Their knowledge pales to that of the educated, rich members of society, who have the time to devote to learning how to govern.ⁱⁱ However, even early developments reveal that this cannot be

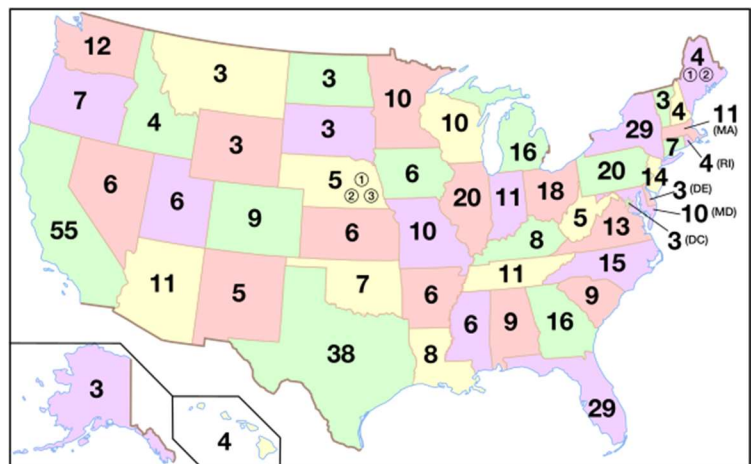


Figure 1

CURRENT ELECTORAL VOTE DISTRIBUTION

the sole reason for the system. After the 1800 election, with the rise of the two-party system, this lack of knowledge no longer is as important.ⁱⁱⁱ With political parties, one simply chooses the party that has the platforms that match their needs, and votes for that party's candidate. Information about a party is far more prevalent than a candidate, since the party exists for longer periods of time, has more members, and is undoubtedly actively recruiting members to increase their political power. Furthermore, as electors are chosen by the winning party for their state, they have changed from a potential filter to a mouthpiece of their party.^{iv}

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The reason for the continued of the Electoral College existence lies in the most divisive issue in the forming of American: Slavery. When the Constitution was ratified, qualifications for voters were left to the states to decide. Though suffrage gradually expanded, it was at first limited to white, male landowners. It eventually expanded, by the Civil War, to include most free men. In a direct election system, the states with the most enfranchised members would have the most power. In this case, it would be the North that would have the most voting power, as they have the higher freer population, and therefore, the most votes. However, the Electoral College system is based on the number of Senate and House members, which was determined by more than just voting population. It also included slaves. As part of the Three-Fifths compromise, slaves counted for three-fifths of a person when determining the number of Representatives. This allowed southern, slave holding states to gain more power under the electoral system.^v Virginia was the big winner in this system, comparatively, Pennsylvania had ten percent more voters, while having twenty percent less electoral votes.^{vi} In later years, this situation became self-reinforcing. As losing the Electoral College would cost them much of their voting power, the South had a vested interest in maintaining the system. Since the system gave them power, they were in a situation to do just that.

What this shows is that the Electoral College has no place in today's world. Compared to our ancestors, the modern-day voter has unlimited information about both their party, and their candidate. When it comes to an uninformed populace, the Electoral College is an unneeded relic.

Furthermore, it is a relic of slavery, a blight in our country's history that we must continue to make amends for. History has shown that the results of the two can differ. Of the forty-four presidential elections, five have had a differing result for the popular and electoral vote. This is more than ten percent of all elections, which is statistically significant. As such, it is our duty as Americans to replace this system with a direct election, not just because it is no longer needed, but because our country will see number immediate and direct benefits.

Equal Voting Power

Under the electoral system, all votes are not created equal. This inequality stems directly from the nature of the electoral system, from the laws that distribute electors, to the ones that determine how they are supposed to vote. This imbalance goes against what America stands for, that every person, no matter their station or birth, can determine their own political future. There are four main ways which the Electoral College unequally distributes voting power amongst the American people.

Interstate Distribution

The obvious effect that the Electoral College has is the unequal distribution of voting power amongst people in different states. A vote from a person in one state has different power relative to every other state. This is an inherent issue that results from the distribution of electors. Under current law, each state receives an elector for every member that they have in Congress. That means each state is guaranteed three electoral votes, as that is the minimum

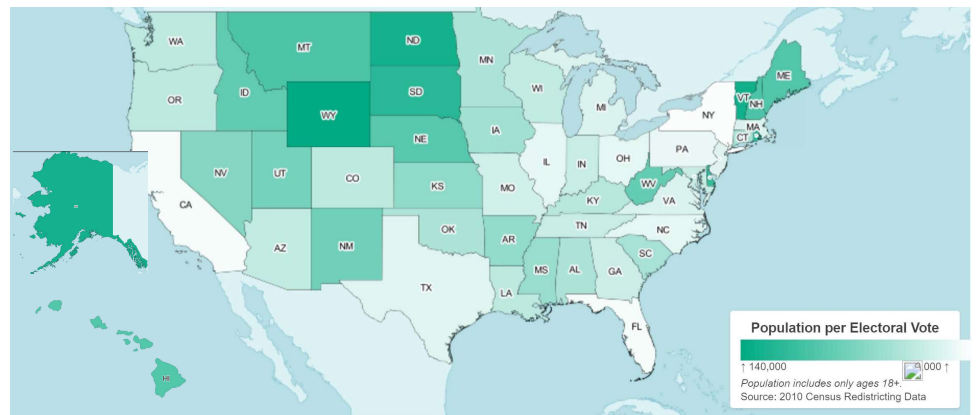


Figure 2

RELATIVE VOTING POWER OF STATES

number of Congressmen that a state can have. The rest is distributed according to population, the more people that you have,

the more you get. However, this can result in situations where having .01% less of the total U.S

population than the next populous state means that state receives one less Representative, and one less elector. This creates an unbalanced dichotomy. More populous states have more overall voting power, because they have more electors, but each vote in a smaller state has more impact. For example, Wyoming has three electors for a population of five hundred and eighty-five thousand people. Texas has thirty-eight electors for two million, seven hundred eighty-six thousand people. By dividing the people amongst the electors, they can “control,” it shows that a vote in Wyoming is equivalent to almost four votes in Texas.^{vii}

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Intrastate Distribution

In addition to balancing voting interstate voting power, eliminating the electoral system will also balance intrastate disparities as well. Demographics and history have shown that certain states will always vote a certain way. Nobody expects California not to go blue, or Mississippi not to go red. This lowers the voting power of the minority party in that state to zero. A Republican living in California has little reason to cast a Presidential ballot. Since all of the electoral votes go to the majority in that state, minority votes in safe states have almost no impact in the electoral system.^{viii} Now, let's look at the California example again. In the 2016 election, Clinton won with a 61.7% majority. Donald Trump won 31.3%. In the electoral system, assuming fifty percent turnout, 31.3% of California's votes means that over six million voters had no impact on the electoral process at all. This disparity can be seen directly in voter turnout numbers. In a study of voters under age thirty, it was found that seventeen percent more of eligible voters actually voted in states with close elections compared to states without close elections.^{ix} With a direct election, this will no longer be an issue. No matter where a voter lives, or what the state majority is, their vote will count just as much as any other. Even if there is only one voter in an entire state for a candidate, their voice will still make an impact, and can possibly change the result of the election.

Territories

Another impact of giving each citizen one vote is that will likely enfranchise members of U.S. territories. Currently, as a result of the Insular Cases of 1901, U.S. territories get no

members in congress, and therefore, no electoral votes. This is despite the fact that residents of U.S. territories are full, legal, U.S. citizens. The 2011 case *Igartua v. United States* reaffirmed their disenfranchisement because of how the electoral system works. The Constitution states that electors are distributed to states. Since territories are not states, they do not get any electors. With a national popular vote, citizens, not states, would be the recipient of voting power. This would mean this legal barrier would no longer be relevant, allowing territories to participate as should be their right.

Faithless Electors

Finally, there are those five hundred and thirty-eight people with the most voting power of all- the electors themselves. Only twenty-nine states have laws that require their state's electors to vote for the candidate selected by their state. Additionally, despite their being past faithless electors in states with laws, there have been no cases where an elector was successfully convicted of violating these laws. This means that each of these people vote counts more than hundreds of thousands of people.

In conclusion, eliminating the Electoral College would balance voting power by:

- Eliminating interstate voting power differences
- Give equal voting power to minority parties in both safe and swing states
- Allow for representation of U.S. citizens in territories
- Remove the possibility of faithless electors

Voter Participation

In the electoral system, each state has a predetermined amount of influence on the result of the election, which is set by the number of electors they have. This is in turn determined by their resident population, and not the number of people who actually vote. This means that states have no incentive to encourage mass voter participation- rather, there is motivation to do the exact opposite.^x If one can limit the members of opposition party's opportunity to vote, then that party can receive more power. The changes to Congressional rules enforcing Amendment 15, and gerrymandering,^{xi} are all examples of how system wide disenfranchisement is not only possible, but commonplace under the electoral system. Without the electoral system, while these

problems will likely still exist, their effects will be lessened. In a direct election, a state has only as much influence as the number of people it can get to the polls. In other words, if a state wants more say in the election, it will do far more to increase voter turnout than is currently done. Furthermore, as it will introduce direct competition, it will bring America's favorite economic system into play- capitalism. Each state will compete to find the most cost-effective, legal means to increase voter turnout to increase their own political power.^{xii}

One common argument against abolishing the electoral system is that it will cause candidates to ignore rural areas in favor of cities, as to try and secure as many voters as possible.^{xiii} However, they are ignoring the fact that the Electoral College system already does this and more- candidates focus the majority of their attention on urban areas in swing states. In the final two months of the 2016

election, fifty three percent of all campaign visits occurred in just four states- Florida, North Carolina, Pennsylvania, and Ohio. Eighty seven percent of all visits in the same time frame were to the twelve battleground states, and none of the candidates ever went to twenty-seven states in rural America.^{xiv} So, eliminating the Electoral College can't start this process, as it is already prevalent. At the very least, a direct election will dilute the importance from a few specific cities (cities in battleground states) to all cities across the country, even those in more rural states.

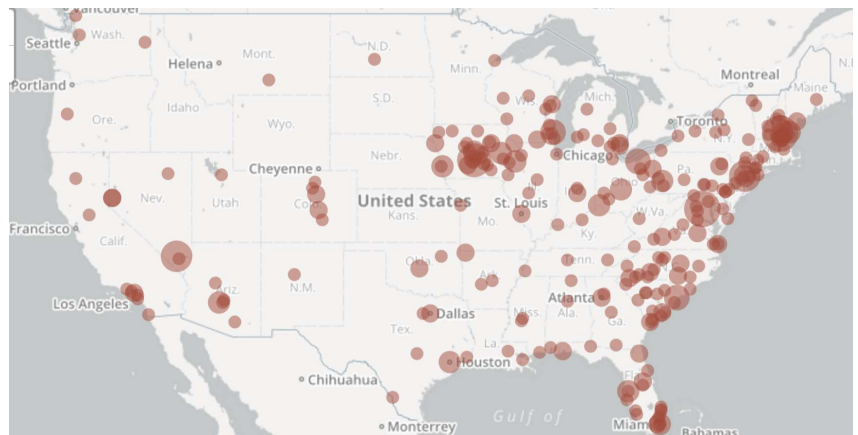


Figure 3

TRUMP CAMPAIGN STOPS
LARGER CIRCLE= MORE STOPS IN SAME LOCATION

Mandate to Lead

Finally, it creates mixed messages when it comes to the outcome of the election. As history has shown, it is possible to win the electoral vote while losing the popular vote, or have a larger percentage of electoral votes while only barely winning the popular vote. One such example is Ronald Reagan in 1980, where he won ninety one percent of the electoral vote, but only fifty one percent of the popular vote, creating a false illusion of a dominating victory.^{xv}

Another example is the recent election of Donald Trump, where he won the electoral vote decisively, while losing the popular vote by millions. In fact, it is possible to win the election with only 21.8% of the popular vote.^{xvi} This disparity creates a dissonance where a president uses the Electoral College to demonstrate a strong mandate to lead, while barely half the population actually supports his goals.

What can be done

There are two ways that members of Congress can help make this change into reality.

The first and most straightforward way would be to support a proposal in Congress to create an amendment to this effect. Whether this would come as a vote, or actually proposing the joint resolution necessary to start the process^{xvii}, is left to the discretion of that member. Currently, there is not a resolution to this effect in Congress, so one would need to be proposed. In the eventually that such a resolution is passed, each representative should do their best to get their state to approve of the proposed change. This is no different than any other Amendment to the Constitution. This method, according to Gallup, is favored by a majority of Americans, although that majority decreased to only 49% this year.^{xviii} However, this can directly be attributed to the results of the 2016 election. The support from Republicans and Republican-leaning independents dropped from fifty-four in 2011 to just percent to just nineteen percent this year. This is understandable, as their nominee won because of this system. However, as time goes on, it is likely that support will increase.

Another, and more likely to be successful, method would be to support the National Popular Vote Interstate Compact. This is an attempt currently underway to change the electoral

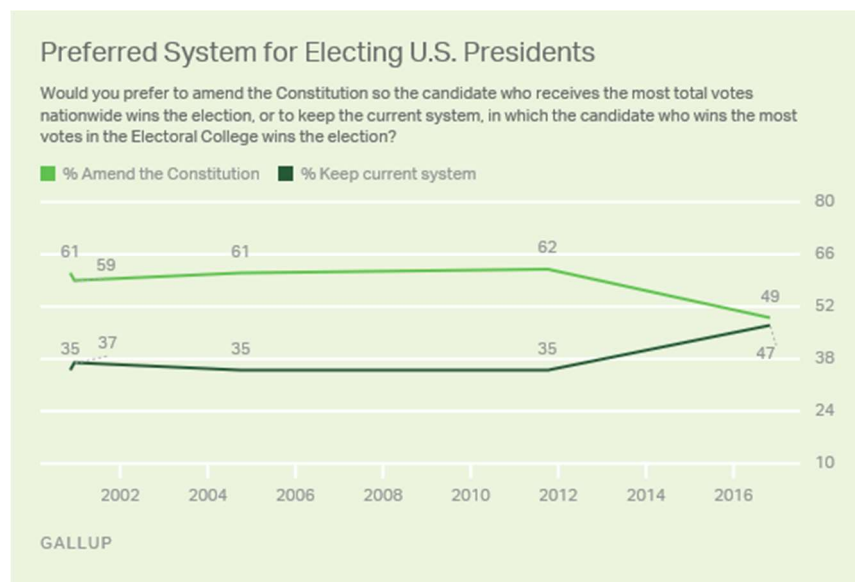


Figure 4

SUPPORT FOR POPULAR VOTE, 2002-2016

vote into a popular vote in a de facto, rather than a de jure, method. In this compact, states would assign votes to the winner of the nationwide popular vote, rather than the current method. As of 2016, ten states and Washington D.C. have enacted legislative entering them into the pact, with a total of one hundred and sixty-five electoral votes.^{xix xx} This represents 62% of the electoral votes needed. One enough states join to make their faction represent a majority, then the laws will go into effect. At that point, the states will give all of their electoral votes to the winner of the popular vote, making the President chosen by a popular vote via the Electoral College, essentially changing the system.

Currently, Pennsylvania is one of the states with legislation to this effect being considered. While Congressmen cannot directly impact this procedure, supporting it would increase its chances of succeeded. Furthermore, support in Congress would be needed to prevent changes in laws to make such a compact illegal, or rule that current laws make it illegal already. As this is a radical change, there are arguments for and against its legality.

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