

Read the “Does the Electoral College Work?” passage set.

Does the Electoral College Work?

Source 1: What Is the Electoral College?

by the Office of the Federal Register

- 1 The Electoral College is a process, not a place. The founding fathers established it in the Constitution as a compromise between election of the President by a vote in Congress and election of the President by a popular vote of qualified citizens.
- 2 The Electoral College process consists of the selection of the electors, the meeting of the electors where they vote for President and Vice President, and the counting of the electoral votes by Congress.
- 3 The Electoral College consists of 538 electors. A majority of 270 electoral votes is required to elect the President. Your state’s entitled allotment of electors equals the number of members in its Congressional delegation: one for each member in the House of Representatives plus two for your Senators. . . .
- 4 Under the 23rd Amendment of the Constitution, the District of Columbia is allocated 3 electors and treated like a state for purposes of the Electoral College. For this reason, in the following discussion, the word “state” also refers to the District of Columbia.
- 5 Each candidate running for President in your state has his or her own group of electors. The electors are generally chosen by the candidate’s political party, but state laws vary on how the electors are selected and what their responsibilities are. . . .
- 6 The presidential election is held every four years on the Tuesday after the first Monday in November. You help choose your state’s electors when you vote for President because when you vote for your candidate you are actually voting for your candidate’s electors.
- 7 Most states have a “winner-take-all” system that awards all electors to the winning presidential candidate. However, Maine and Nebraska each have a variation of “proportional representation.” . . .
- 8 After the presidential election, your governor prepares a “Certificate of Ascertainment” listing all of the candidates who ran for President in your state along with the names of their respective electors. The Certificate of Ascertainment also declares the winning presidential candidate in your state and shows which electors will represent your state at the meeting of the electors in December of the election year. Your state’s Certificates of Ascertainments are sent to the Congress and the National Archives as part of the official records of the presidential election.

Excerpt from “What Is the Electoral College?” by the Office of the Federal Register, from www.archives.gov/federal-register/electoral-college/about.html. In the public domain.

Source 2: The Indefensible Electoral College: Why even the best-laid defenses of the system are wrong

by Bradford Plumer

9 What have Richard Nixon, Jimmy Carter, Bob Dole, the U.S. Chamber of Commerce, and the AFL-CIO all, in their time, agreed on? Answer: Abolishing the electoral college! They're not alone; according to a Gallup poll in 2000, taken shortly after Al Gore—thanks to the quirks of the electoral college—won the popular vote but lost the presidency,¹ over 60 percent of voters would prefer a direct election to the kind we have now. This year voters can expect another close election in which the popular vote winner could again lose the presidency. And yet, the electoral college still has its defenders. What gives? . . .

What's wrong with the electoral college

10 Under the electoral college system, voters vote not for the president, but for a slate of electors, who in turn elect the president. If you lived in Texas, for instance, and wanted to vote for [John] Kerry,² you'd vote for a slate of 34 Democratic electors pledged to Kerry. On the off-chance that those electors won the statewide election, they would go to Congress and Kerry would get 34 electoral votes. Who are the electors? They can be anyone not holding public office. Who picks the electors in the first place? It depends on the state. Sometimes state conventions, sometimes the state party's central committee, sometimes the presidential candidates themselves. Can voters control whom their electors vote for? Not always. Do voters sometimes get confused about the electors and vote for the wrong candidate? Sometimes.

11 The single best argument *against* the electoral college is what we might call the disaster factor. The American people should consider themselves lucky that the 2000 fiasco was the biggest election crisis in a century; the system allows for much worse. Consider that state legislatures are technically responsible for picking electors, and that those electors could always defy the will of the people. Back in 1960, segregationists³ in the Louisiana legislature nearly succeeded in replacing the Democratic electors with new electors who would oppose John F. Kennedy. (So that a popular vote for Kennedy would not have actually gone to Kennedy.) In the same vein, "faithless" electors have occasionally refused to vote for their party's candidate and cast a deciding vote for whomever they please. . . . Oh, and what if a state sends *two* slates of electors to Congress? It happened in Hawaii in 1960. Luckily, Vice President Richard Nixon, who was presiding over the Senate, validated only his opponent's electors, but he made sure to do so "without establishing a precedent." What if it happened again?

¹lost the presidency: In the 2000 U.S. presidential race, Al Gore received more individual votes than George W. Bush nationwide, but Bush won the election, receiving 271 electoral votes to Gore's 266.

²John Kerry: Kerry ran for President against George W. Bush (43rd president of the United States), representing the Democratic Party in 2004.

³segregationists: people who favored separation based on race

- 12 Perhaps most worrying is the prospect of a tie in the electoral vote. In that case, the election would be thrown to the House of Representatives, where state delegations vote on the president. (The Senate would choose the vice-president.) Because each state casts only one vote, the single representative from Wyoming, representing 500,000 voters, would have as much say as the 55 representatives from California, who represent 35 million voters. Given that many voters vote one party for president and another for Congress, the House's selection can hardly be expected to reflect the will of the people. And if an electoral tie seems unlikely, consider this: In 1968, a shift of just 41,971 votes would have deadlocked the election; In 1976, a tie would have occurred if a mere 5,559 voters in Ohio and 3,687 voters in Hawaii had voted the other way. The election is only a few swing voters away from catastrophe.
- 13 At the most basic level, the electoral college is unfair to voters. Because of the winner-take-all system in each state, candidates don't spend time in states they know they have no chance of winning, focusing only on the tight races in the "swing" states. During the 2000 campaign, seventeen states didn't see the candidates at all, including Rhode Island and South Carolina, and voters in 25 of the largest media markets didn't get to see a single campaign ad. If anyone has a good argument for putting the fate of the presidency in the hands of a few swing voters in Ohio, they have yet to make it. . . .
- 14 It's official: The electoral college is unfair, outdated, and irrational. The best arguments in favor of it are mostly assertions without much basis in reality. And the arguments against direct elections are spurious at best. It's hard to say this, but Bob Dole was right: Abolish the electoral college!

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Source 3: In Defense of the Electoral College: Five reasons to keep our despised method of choosing the President

by Judge Richard A. Posner

- 15 The Electoral College is widely regarded as an anachronism,¹ a non-democratic method of selecting a president that ought to be [overruled] by declaring the candidate who receives the most popular votes the winner. The advocates of this position are correct in arguing that the Electoral College method is not democratic in a modern sense . . . it is the electors who elect the president, not the people. When you vote for a presidential candidate you're actually voting for a slate of electors.
- 16 But each party selects a slate of electors trusted to vote for the party's nominee (and that trust is rarely betrayed) . . . [; however,] it is entirely possible that the winner of the electoral vote will not win the national popular vote. Yet that has happened very

¹anachronism: a person or a thing that seems to belong to the past and not to fit in the present

rarely. It happened in 2000, when Gore had more popular votes than Bush yet fewer electoral votes, but that was the first time since 1888.

- 17 There are five reasons for retaining the Electoral College despite its lack of democratic pedigree;² all are practical reasons, not liberal or conservative³ reasons.

1) Certainty of Outcome

- 18 A dispute over the outcome of an Electoral College vote is possible—it happened in 2000—but it’s less likely than a dispute over the popular vote. The reason is that the winning candidate’s share of the Electoral College invariably exceeds his share of the popular vote. In [2012’s] election, for example, Obama⁴ received 61.7 percent of the electoral vote compared to only 51.3 percent of the popular votes cast for him and Romney.⁵ . . . Because almost all states award electoral votes on a winner-take-all basis, even a very slight plurality⁶ in a state creates a landslide electoral-vote victory in that state. A tie in the nationwide electoral vote is possible because the total number of votes—538—is an even number, but it is highly unlikely. . . .

2) Everyone’s President

- 19 The Electoral College requires a presidential candidate to have trans-regional appeal. No region (South, Northeast, etc.) has enough electoral votes to elect a president. So a solid regional favorite, such as Romney was in the South, has no incentive to campaign heavily in those states, for he gains no electoral votes by increasing his plurality in states that he knows he will win. This is a desirable result because a candidate with only regional appeal is unlikely to be a successful president. The residents of the other regions are likely to feel disenfranchised—to feel that their votes do not count, that the new president will have no regard for their interests, that he really isn’t their president.

3) Swing States

- 20 The winner-take-all method of awarding electoral votes induces the candidates—as we saw in [2012’s] election—to focus their campaign efforts on the toss-up states Voters in toss-up states are more likely to pay close attention to the campaign—to really listen to the competing candidates—knowing that they are going to decide the election. They are likely to be the most thoughtful voters, on average (and for the further reason that they will have received the most information and attention from the candidates), and the most thoughtful voters should be the ones to decide the election.

4) Big States

- 21 The Electoral College restores some of the weight in the political balance that large states (by population) lose by virtue of the mal-apportionment of the Senate decreed in the Constitution. . . . The popular vote was very close in Florida [in 2012];

²pedigree: the origin and history of something, especially when it is good or impressive

³liberal or conservative: political philosophies commonly seen as opposite each other

⁴Obama: Barack Obama, 44th president of the United States

⁵Romney: Mitt Romney, the Republican nominee for President in 2012

⁶plurality: when a candidate receives more votes than other candidates while not receiving a clear majority of votes

nevertheless Obama, who won that vote, got 29 electoral votes. A victory by the same margin in Wyoming would net the winner only 3 electoral votes. So, other things being equal, a large state gets more attention from presidential candidates in a campaign than a small state does. . . .

5) Avoid Run-Off Elections

22 The Electoral College avoids the problem of elections in which no candidate receives a majority of the votes cast. For example, Nixon in 1968 and Clinton in 1992 both had only a 43 percent plurality of the popular votes, while winning a majority in the Electoral College (301 and 370 electoral votes, respectively). There is pressure for run-off elections when no candidate wins a majority of the votes cast; that pressure, which would greatly complicate the presidential election process, is reduced by the Electoral College, which invariably produces a clear winner. . . .

23 It can be argued that the Electoral College method of selecting the president may turn off potential voters for a candidate who has no hope of carrying their state—Democrats in Texas, for example, or Republicans in California. Knowing their vote will have no effect, they have less incentive to pay attention to the campaign than they would have if the president were picked by popular vote But of course no voter’s vote swings a national election, and in spite of that, about one-half the eligible American population did vote in [2012’s] election. Voters in presidential elections are people who want to express a political preference rather than people who think that a single vote may decide an election. . . .

Excerpt from “In Defense of the Electoral College: Five reasons to keep our despised method of choosing the President” from *Slate Magazine* by Judge Richard A. Posner. Copyright © 2012.

Writing Prompt

Write a letter to your state senator in which you argue in favor of keeping the Electoral College or changing to election by popular vote for the president of the United States. Use the information from the texts in your essay.

Manage your time carefully so that you can

- read the passages;
- plan your response;
- write your response; and
- revise and edit your response.

Be sure to

- include a claim;
- address counterclaims;
- use evidence from multiple sources; and
- avoid overly relying on one source.

Your response should be in the form of a multiparagraph essay. Write your response in the space provided.