

24. THE DISTORTING EFFECTS OF THE ELECTORAL COLLEGE ON PRESIDENTIAL ELECTION CAMPAIGNS

The news media in the United States routinely portray the presidential election as a national election. Newspaper reporters and television commentators follow the candidates from one end of the nation to the other. The news hounds describe the presidential nominees as “campaigning across the country” and seeking votes “from coast to coast.” Most news outlets promote public opinion polls that measure nationwide public opinion and thereby neglect results from individual states.

But, truth be told, there has never been a “national” presidential election in the United States of America. The reason is the Electoral College, a gift to the nation from its Founders. Fifty separate elections are held, one in each of the fifty states. A fifty-first election is held in the District of Columbia, which contains the capital city of Washington.

The Electoral College was included in the original United States Constitution as written at the Constitutional Convention in Philadelphia, Pennsylvania, in the summer of 1787. The delegates to the Convention, who came from the original thirteen states, were skeptical of the ability of American citizens

to pick the most qualified person to be President of the United States. Following a long debate, the delegates decided to create an Electoral College of respected citizens to choose the chief executive of the new republic. The method of choosing the presidential electors was to be decided by each individual state.

The Founders' vision of how the system would work went like this. The electors selected to the Electoral College were to weigh carefully the character and qualifications of the candidates being considered for President. The electors were to make their own decision, relying on their own wisdom, as to whom they would vote for. The elector's were to use their own judgement rather than that of the voters in their home state. Each elector cast one electoral vote.

Many changes have occurred in the operation of the Electoral College since it was first adopted at the Constitutional Convention more than two centuries ago. Forty-eight of the fifty states have enacted laws specifying that the elector must cast his or her vote for the presidential candidate who won a plurality of the vote in the state. That means that, in those forty-eight states, the presidential candidate who wins the state receives all of the state's electoral votes.

Do not pass over that last point lightly. The most important fact about the Electoral College is that, in almost all the states, the presidential candidate who wins the popular vote in the state gets *all of the electoral votes*. This is often

referred to as the “winner-take-all” rule of the Electoral College.

Maine and Nebraska are the only two exceptions to the “winner-take-all” rule. In those two states, some of the electoral votes are distributed according to which presidential candidates win which congressional districts in the state.

One of the goals of the Founders, when they created the Electoral College, was to protect the states with small populations from the states with large populations. Thus, just as each state was given two senators in the U.S. Senate, each state was allotted a minimum of two electoral votes in the Electoral College. Each state received this guaranteed two votes in the Electoral College no matter how small the state’s population.

But the Electoral College was designed also to represent the states with large populations. To that end, each state was assigned, in addition to the two electoral votes for its two U.S. Senators, additional electoral votes equal to the number of members the state had in the U.S. House of Representatives. Because representation in the U.S. House of Representatives is based on population, states with large populations have more electoral votes than states with small populations.

So each state receives an electoral vote equal to the sum of its two U.S. Senators plus the number of members the state has in the U.S. House of

Representatives. The least populous states, for example Delaware and Montana, get only three electoral votes. That is two votes for the two U.S. Senators and one vote for the one member of the U.S. House. The most populous state, California, is allotted fifty-four electoral votes. That is two votes for the two Senators and fifty-two votes for the fifty-two House members. In second place in terms of population size is New York state, with thirty-three electoral votes. That is two votes for the U.S. Senators and thirty-one votes for the House members.

It should be obvious that, if Delaware casts three electoral votes and California casts fifty-four electoral votes, there is a tremendous disparity in the number of electoral votes cast by each individual state. To put it a different way, populous California is allotted eighteen times as many electoral votes as tiny Delaware. New York, with thirty-three electoral votes, has eleven times as many electoral votes as Montana, with only three electoral votes.

And therein lies the great unfairness in the Electoral College. The populous states with many electoral votes are much more important in presidential elections than the less populous states with few electoral votes. This numerical advantage of the more populous states is further enhanced by the winner-take-all rule. The presidential candidate who carries a populous state, under the winner-take-all rule, receives *all* of that state's electoral votes. Thus, by winning the vote in the state of

California, a presidential candidate can pick up all fifty-four of California's electoral votes.

The great power of the heavily populated states in the Electoral College has a tremendous effect on the way candidates campaign for President. The Democratic and Republican nominees always spend the bulk of their time, money, and organizing efforts in the most populous states with the largest numbers of electoral votes. Or, to put it in the vernacular, winning the presidency is mainly a task of winning "big states with big electoral votes."

But winning the populous states is not all there is to it. In the age of public opinion polling, there is the additional question of how tight the race between the two candidates is in a specific state. If the public opinion polls reveal one candidate running far ahead of the other candidate in a state, even a populous state with many electoral votes, both candidates will not bother to campaign in that state. Campaign time and money thus is concentrated in *large population states or midsized-population states where polls reveal a close race.*

One of the most interesting aspects of the Electoral College is that, in order to win the presidency, a candidate does not have to win a majority of the popular vote throughout the nation. What a candidate has to do is win a simple majority of the Electoral College, which is 270 of the total 538 electoral votes.

The individuals who serve as presidential electors get only a trip to their state capital for their efforts. On the second Monday in December, approximately one month after presidential election day in November, the electors journey to their respective state capitals and cast their pro-forma electoral votes for President. The results for each state then are sent to Washington, D.C., where the electoral vote totals for each candidate are officially tabulated and the results announced. The announcement is a non-news story, of course, because everyone has known since election night in November who the Electoral College winner is.

So it is electoral votes, and not popular votes, that win the right to occupy the White House for the ensuing four years. As a result, each presidential candidate quickly develops a “short list.” That is a list of the minimum number of states the candidate needs to win in order to gain 270 or more votes in the Electoral College. At the top of the list are the states (and their electoral votes) that the candidate is most likely to win without expending very much campaign time or money. At the bottom of the list are the states (and their electoral votes) where the race is close. These are the states the candidate *must* win to get that Electoral College majority.

For the average voter, the brain becomes weary and mental confusion reigns when the Electoral College and its effects on presidential campaigns are discussed.

But presidential candidates and their closest advisers must be closet experts in the exact operation of this complex political institution. One must master the Electoral College in order to be a successful competitor for the American presidency.