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The Electoral College: Unpopular by Design

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Picture Jane. Jane sits in her living room, late on a very specific Tuesday night. The date is November 8th, 2016. Jane sits amidst an America divided down the middle. One half rejoices, the other sits in shock in front of their televisions, radios and iPhones alike as they are all told the same message: “Donald J. Trump has won the Presidency.” Donald Trump would be the next president of the United States, and people were terrified. A very large section of the country was left in shock, partially because they adamantly did not want him to win, and partially because his victory defied all expectations. Every sign they had been shown had pointed to Hillary Clinton winning the race. All the projections had told them so, and they fully believed it even though those predictions are heavily reliant on polling data and can prove quite inconsistent (Putnam 912). Still, more than half of America believed that Clinton would win, because more than half of America voted for her.

It is true. The majority of America voted for Hillary Clinton. She won the national popular vote, meaning more individual voters voted for Hillary than voted for Trump. How then, did he still win the presidency? He gained the presidency because of a simple American institution: the Electoral College. The Electoral College is the group that actually chooses the President of the United States. Voters do not truly vote for their
candidates, but for electors that will vote for the candidates that voters choose. This practice was birthed in the formation of the current version of our government. It is directly instituted in the nation’s Constitution. It is first stated in Article II with “[the President] be elected as follows. Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors,” then later expounded upon in the twelfth amendment in much greater detail (U.S. Const.). This Electoral College is what enabled President Trump to gain the office without actually getting the majority of votes.

So naturally, this result angered many Americans. The following weeks were teeming with protests across the country. The cry of “not my president” echoed throughout the fifty states and worldwide. The outrage was palpable. Protests were both subtle and peaceful and unruly and violent. Much of America refused to accept Trump, despite the legitimacy of his success, because they believed that he had not truly won the position. The outcry that quickly followed was one against the very institution that allowed for him to get the position at all: the Electoral College. Millions of Americans sought to tear down the Electoral College and burn it into oblivion without any true understanding of the institution and the reasons for its existence. They would not accept the outcome created, so they would not accept the group that had created it. The cry for reform grew ever louder. However, even within the cry for change, the Electoral College should remain as it is now because of its necessary work to maintain checks and balances, its long-standing success, and its ability to better represent the entire nation.
The Electoral College was needed to fill many purposes upon its formation in the late 1700s. One such purpose—one viewed as quite important to the men who created it, is in the maintenance of checks and balances. Checks and balances is the balance of power among different branches and sectors of the government. Hand-in-hand with checks and balances comes the two-party system. Both concepts help to control the leadership of our country, and the College helps to maintain the two-party system (McCollester 184).

Some argue that it would greatly benefit our country to introduce a multi-party system. They believe that it would help to permit new and diverse ideas to be considered in Congress. This may be true. A multi-party system may prove to be beneficial, but it would breed multiple other, more subtle, issues. First of all, a multi-party system would cause for much closer elections that would be much harder to calculate which candidate actually had the majority of the votes. Second, a multi-party system slaughter any sense of efficiency in our nation’s legislature. Instead of a Congress made up of primarily two parties, in which little is actually agreed upon and passed through into law, there would be a Congress made up of people from many parties, in which every person was pushing for something different and there would essentially be no progress or legislating. A third, and most terrifying possible effect of a multi-party system, is extreme and volatile disunity. Many scholars and political scientists argue that the multi-party has absolutely destroyed countries from the division it has created. One scholar makes the multi-party system destabilizes countries even beyond the point of having a
functioning government, resulting in collapse. The Electoral College directly assists in maintaining the two-party system because the vast majority of electors choose only to vote for either Republican or Democrat candidates, thus damning third party candidates to a failed race (McCollester 183).

The College also helps to preserve an idea that has been in our country since before we were even truly a country: Federalism. Federalism is defined as “the ability of distinct communities to join together without losing their distinctiveness” (McCollester 183). This core value of our country has been in the minds of our nation’s leaders since the beginning, hence the once political parties the Federalists and Antifederalists. One of the primary Federalist priorities in our country’s formation was balance between these distinct communities. The College allows for these communities to have balanced power without being conglomerated into one mass of citizens. This was a large priority then in the eighteenth, and it remains a large priority now in the twenty first. It seems to have served us rather well, as I look back at our history and our success as a newly formed country.

Back in the olden days, back before that history had truly begun, the Electoral College was formed along with the Constitution of our United States. Those men who wrote the Constitution, better known as the Framers, did an excellent job of putting together ideas that they believed would best serve the country for many years to come. Ideas such as Freedom of Speech, That holds true for the Electoral College, too. Two assumptions commonly circulated about the reasoning behind its formation include: a desire to take away the true decision from a largely
uneducated populace, and a need to maintain balance between people of diverse areas and opinions. Sure, the Framers may not have wanted a large number of uneducated, illiterate, and entirely self-serving people to decide the president, but they also feared that a president selected entirely by a legislature would be too easily manipulated. They had to find a middle ground. They had to find a solution that both represented everyone in the population, but also kept people from all walks of life on an equal playing field. They found this in the College: the perfect balance of representation.

A common argument for reform runs contrary to that theory, but parallel with one of the founding ideals of our country. That idea is representation. In his writing in “Point: Abolishing the Electoral College,” Benjamin Bolinger claims this idea. He connects back to foundational ideas such as No Taxation Without Representation and equal representation in Congress. He states that, with the College as it is as a winner-take-all per state system, it would create vast inequity in the electoral process and “betray American values of majority rule, equity before the law, and representative government” (179). Initially, this point caught me. As one leaning towards the label of Constitutionalist, the notion of sticking to founding ideas appealed greatly to me. These ideas are so influential to the start and the following success of our country, it seems wrong to follow a belief that goes contrary to them. Still, I believe the Electoral College is wrongly thought of in this vein of thinking. In this vein, opponents view the College as a destroyer of personal representation. They seem to think that the way the College is set up limits the power of the individual and puts that power too much into the hands of the few. Bolinger also claims
that the current system misrepresents the populace. He compares California and Wyoming. Through a bit of math, he comes up with an astonishing 4 to 1 ratio in terms of power held by the state electors per capita by state. One of Bolinger’s final points pertaining to this goes as follows: “When the votes of some citizens count more than those of others, America has failed to honor its commitment to equal representation” (182). However, one of the ideas behind the entire concept directly defies Bolinger’s beliefs. The College was formed to help even out representation throughout the states and throughout different demographics and areas through the states. The College is proportioned in precisely the same way as the United States legislature. Each state gets a minimum of three electoral votes, which parallels the numbers in Congress. There, every state gets two members of the senate, where every state is represented exactly the same way with the same power, and they also get a number of House representatives that are based on state population, with a minimum one total. The two add to a minimum of three total Congressional positions per each state. It is not merely coincidental that that number matches the minimum number of electors. Everything the Framers did was done with a great deal of thought and with a mind for the future. The men involved based much of their decision making on foresight and what they believed would be best for future generations. The goal in this specific decision-- the decision to form the Electoral College and proportion it in the way that it is--was to help balance the power between the large and heavily populated states with the smaller and less densely populated states. This is the same goal the Framers had in forming Congress the way
that they did. They sought to appease the large states with the addition of a population-based side, but they also had to appease the smaller states with the addition of the side that completely leveled the playing field and gave each and every state the same amount of power. They sought to keep the person in the most populated area equal with the person in the least populated area, yet reformists believe so strongly that we have “failed to honor [our] commitment to equal representation,” because the votes of some citizens “count more than others” (181-2).

As one dissenting perspective to Bolinger’s, Maria McCollester, Associate Political Scientist at RAND Corporation comments on this in her writing in “Counterpoint: Preserving the Electoral College.” She states that “[w]ithout a national process for electing presidents such as the Electoral College, the voice of the ‘little person’ will simply vanish from the process” (McCollester 184). This voice that she speaks of-- the voice of the person living in the rural areas of our country that are not highly populated and would not get a strong political representation in a popular voted based election-- still represents a vast number of people. These Americans simply are not physically around each other. They are a very broad and a very large group of individuals that must be fairly represented in our nation’s electoral processes, but if we moved to a system based solely on the national popular vote, these Americans would be in grave danger of being forgotten, as candidates instead, would choose to campaign only to the heavily populated areas that will gain them the highest number of votes with the best efficiency. Picture a man, let’s name him Jim. Let’s say he lives in Kansas, and as any stereotypical Kansas man is, he is a
farmer. Also, as we are being stereotypical here in this hypothetical situation, let’s say Jim votes Republican, considers himself a strong conservative, and wears a cowboy hat on a daily basis. There are many other men just like Jim across the country, but they are spread far and wide. There is not a large enough group of Jims in very many places across the United States, and thus, the Jims do not get campaigned to. They are left behind as candidates go for citizens like Ron, another hypothetical and overly stereotyped individual. Let us say Ron is a Democratic city dweller living in the heart of San Francisco, and he happens to love the views of Bernie Sanders, believes Finland to be the best country in the world, and has multiple bumper stickers on the back of his Toyota Prius that include, but are not limited to, a coexist sticker, a save the earth sticker, and of course, Feel the Bern sticker. Ron gets campaigned to because Ron lives in one of the most populated cities in the Country. Jim does not get campaigned to, because he lives in in the farmlands of Kansas where there are miles between houses. So here; in this stereotyped, hypothetical situation; the point rings clear. As McCollester would say it, “the voice of the ‘little person’ [has] simply vanished” (McCollester 184). Suddenly, the vote of one citizen means more than another.

Despite this, there remains a very large group of people that seek to eliminate the College entirely. Some people, like Bolinger wish for a system with a simple run-off election. Bolinger specifically proposes a run-off in which the winning candidate receives not merely the majority of the votes, but a minimum of fifty percent of the vote. Bolinger pictures this as follows. He desires a system in which, after the votes are cast for any of the
candidates running, the candidate with the fewest number of votes is eliminated, and the votes cast for that person are recast for a second choice, with this process repeating until one candidate holds more than half of America (Bolinger 180). This practice has two main flaws, that I can see. Those are the inequality between communities of voters, as previously discussed, and the length of time necessary to tally individual votes potential two, three, or even four times until a single candidate had fifty percent. That process surely cannot be a quick one. Regardless, for this to be put into place, the concept would need much more backing and even then would need to make it through all of the Congressional stages.

Another group, however, seeks a different solution. The group seeks to find a backdoor around the issue of legislation entirely. They call themselves the National Popular Vote Interstate Compact, or NPVIC as it will be referred to going forward. The NPVIC aims to gain enough state support that it can completely bypass the legislative process. Their plan is simply to form an agreement among participating states to pledge all of their designated electors to the winner of the national popular vote, rather than to the winner of the state popular vote (Virgin 39-40). This would ensure that their votes go to the candidate that wins the national vote, and essentially make the Electoral College obsolete (Virgin 39-40). This action would not require legislative action, either, because the power needed to make the decision to commit all electors to the national winner is already that of individual states. The only hurdle they still face is support. They do not yet have the numbers to ensure a win by the national winner simply because of the states in the compact. As of right now, there could
still be an Electoral College based win despite their efforts to overrule it among themselves.

The efforts of reformists are primarily unnecessary, though. In his writing in “Selecting the Nation’s CEO,” Arnold Barnett discusses the actual mathematics behind elections in which the College chose a different candidate than the majority of voters. He explains his statistics as reliant on a variety of forces including trends between states similar to each other, states’ voting history, and what he calls the “Continuity Correction,” which combines the two along with the trends of the specific state cultural changes (Barnett 447-60). With all of these factors included, the winning candidate could conceivably win with only 48.7% of the national vote (Barnett 455-6). He takes away the continuity correction, but maintains the voting history, similar-state trends, and assumes that the winning candidate wins each of their won states with 50% of the vote, and lose with 35%. With these factors, the victor could potentially win with 45.2% (Barnett 454-5). Taking even more, with the removal of the voting histories the winner could win with 42.7% of the popular vote. The worst case, however, comes in the final statistic. Barnett removes all extra factors and assumes that any state won by the winning candidate was won with 50% and every state lost by the victor was lost with absolutely 0% of the state vote. With these numbers, the victor could win the presidency with only 21.6% of the national popular vote. This seems astonishing, but this final situation is very near to being statistically impossible. It is quite likely that the United States will never see a situation in which the numbers are so skewed, states abandon their former values and suddenly act completely different than states that they
have acted similarly to in the past. Thus, the likeliness of any outstanding difference in the national popular vote and the electoral college winner is slim, and if it does occur the difference is quite minimal. Barnett says specifically, “Any Electoral College Reversal of the popular vote would be extremely modest if a Democrat wins and non-existent if a Republican does” (458). With this, it is clear-- there is simply no need nor reason to erase the Electoral College. The efforts of reformists with views similar to Bolinger and views similar to the NPVIC alike are unnecessary because any change would be very minimal, to say the least. Additionally, the Electoral College was purposefully made in the best interest of our society as a whole. Not only does the College excellently maintain checks and balances, it also helps to represent the entire country as best as it can be. This the College has done since its creation in 1787 and this it will continue to do for years to come, unless we allow reformists to do away with this thing that has benefitted us so greatly in our past. The College must remain. Though it may be unpopular, it is purposefully designed: unpopular, but necessary.
Works Cited


*U.S. Constitution*. Amend. XII.


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