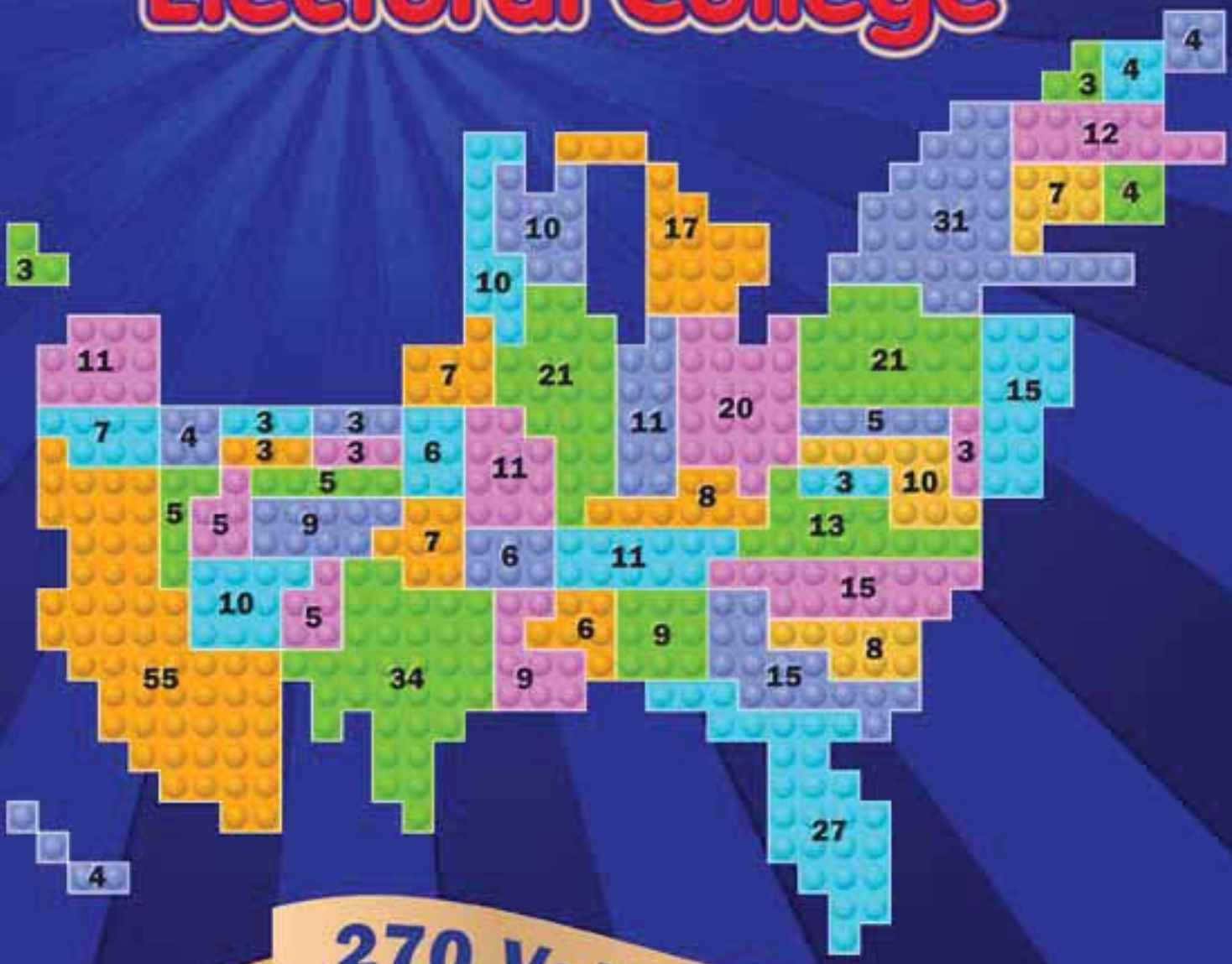
eJOURNAL USA

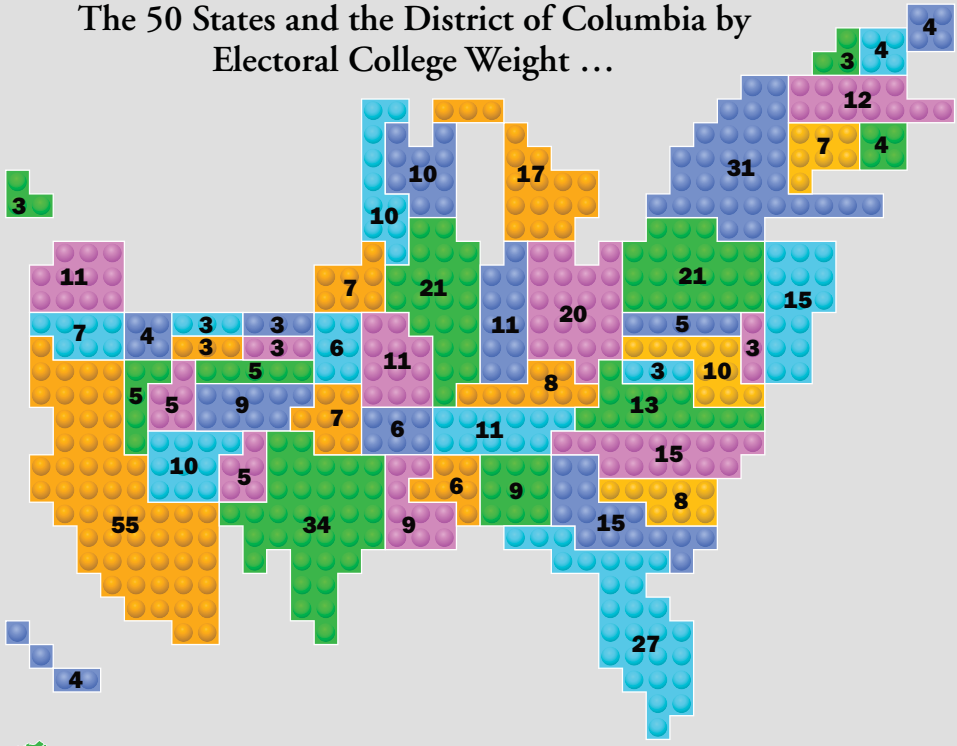
The Electoral College



270 Votes to Win

U.S. DEPARTMENT OF STATE • BUREAU OF INTERNATIONAL INFORMATION PROGRAMS

The 50 States and the District of Columbia by Electoral College Weight …



… and by Conventional View

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About This Issue

More than 100 million voters are likely to cast ballots in nationwide U.S. elections November 4. But only 538 men and women will elect the next president of the United States, and those elections will take place in 50 state capitals and in Washington, D.C., December 15.

This indirect election system, called the Electoral College and devised in 1787 by the framers of the U.S. Constitution, puzzles Americans and non-Americans alike. It reflects the federal governing system of allocating powers not only to a national government and to the people, but also to the states.

As John C. Fortier, author of *After the People Vote,* writes in this issue of *eJournal USA*, the Electoral College requires a presidential candidate to have national stature as well as broad appeal to different regions: "One consequence of the Electoral College has been to make it hard for third parties, regional factions, or lesser figures to gain the presidency."

The presidential electors nearly always vote the same way in December as the voters in their states did in November. The Electoral College winner has nearly always captured the most popular votes nationwide. But because all but two states have winner-take-all rules, occasionally the Electoral College winner trails another candidate in nationwide popular votes, as happened in 2000.

Political reporter David Mark describes the strategic game that flows from the Electoral College system. Presidential candidates pay less attention to reliably Democratic and Republican states in the campaign. Instead they focus their attention and scarce resources on a relatively small number of narrowly divided states — Florida and Ohio are well-known examples — that decide the elections.

A lot of Americans want to change the election of the president to direct popular vote, but no such change is imminent. Amending the Constitution requires enormous political will; only 27 amendments have passed in more than 220 years. And such change faces resistance from small states, which have disproportionate representation in the Electoral College, from supporters of a two-party system, and from supporters of a federal system of government.

Whatever its merits, the Electoral College at least offers decisiveness. The House of Representatives has had to decide only two presidential elections because no candidate achieved an Electoral College majority, and that happened most recently in 1824.

We hope that this issue of *eJournal USA* will improve your understanding of the historical reasons for the Electoral College system and how it functions.

— *The Editors*

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Broad Appeal, National Stature

John C. Fortier

© AP Images/Jae C. Hong

The Electoral College encourages presidential candidates with broad national appeal and discourages third political parties.

The U.S. presidential election system was established by the country's Founding Fathers more than 220 years ago. This system has not only withstood the test of time, but has also shaped U.S. politics throughout history.

John C. Fortier is a research fellow at the American Enterprise Institute in Washington, D.C., and the author of a book about the Electoral College, After the People Vote.

Many Americans do not understand every nuance about their presidential selection system, and particularly about what is known as the Electoral College, which determines which individuals become their country's president and vice president. But they do understand the big picture. Namely, each U.S. state is assigned a number of electors, with the most heavily populated states having the most electors and the least populated states the fewest. Each citizen votes in his or her home state, and the winner of the popular vote in all but two of the states receives all the votes of its state's electors. The presidential candidate who receives a majority of the electoral votes becomes the president of the United States, and his running mate the vice president.

Of course, there are some additional complexities of the presidential selection system. If the electoral votes are split among many candidates or if two candidates end up with the same number of electoral votes, the House of Representatives selects the president. It is also possible that the national popular vote could favor one candidate and the Electoral College another. But these scenarios are very unlikely. In almost every recent election, the winning candidate has won the popular vote, a majority of states, and the required majority in the Electoral College.

The Electoral College is unpopular with a majority of Americans. Polls show that most Americans would prefer a direct national popular vote because they believe that system would be more democratic.

© AP Images/Mark Lennihan

George Washington, depicted taking oath of office as the first U.S. president, was the only president who faced no election opposition.

However, the framers of the U.S. Constitution, who established the Electoral College, did not view it as an elite institution designed to skirt public opinion. They believed that their system of choosing a president rested on the sentiments of the people.

In designing a presidential selection system based on the will of the people, the framers also addressed two other concerns. First, they intended to keep the presidency independent of the legislature and of the states. Second, they sought to ensure the election of a national figure to the presidency.

In addition to these two intended consequences, the Electoral College today has taken on another role not envisioned by the framers — as a bulwark supporting the two-party system in the United States.

Promoting an Independent President

At the Constitutional Convention in 1787, America's Founding Fathers debated many alternative ways to elect a president. They settled on the Electoral College system only near the end of their deliberations. Their choice of a system for presidential selection was related to the powers and composition of the legislative branch of government, the Congress. Only after the founders agreed on the shape of Congress did they begin serious consideration of how to choose a president.

A compromise as to the form of the Congress very much affected the look of the Electoral College. The great issue of the day was a debate between small states and large states as to how each would be represented in the legislature. The compromise was to have two houses in the legislature — the House of Representatives and the Senate. In the House of Representatives, states would receive representation based on population, and each state's representatives would be elected directly by the people, albeit with a significantly more limited franchise than we have today. In the Senate, each state would have equal representation. The small state of Delaware and the large state of Virginia would each have two senators, and these senators would be elected by each state's legislature. Under a later constitutional amendment, senators are now elected directly by the people.

Once a compromise over Congress had been brokered, the framers of the Constitution sought to ensure that the president would have sufficient powers and stature to be independent of Congress. The framers' ideas were directly opposite to the thinking that informs parliamentary systems. In the American system, the president would not come out of Congress or be the leader of a congressional party. The framers believed in a separation of powers. If Congress were to select the president, the president would be beholden to Congress, especially if the president had to seek re-election before the Congress. The framers worried that a president elected by Congress would so curry favor with the electing institution that he would be a mere puppet of the legislature rather than an independent voice.

Similarly, the framers did not allow the states to choose the president directly. Instead, they devised a system — the Electoral College — in which electors would be appointed from each state. The state legislatures would have a say in how the electors were chosen. In the earliest presidential elections, some states provided

that the people would elect the electors; some prescribed popular elections in districts, which could result in a state splitting its electors among several candidates; and some state legislatures appointed the electors directly, without a popular election. In the first 40 years of the republic, most states moved to give the people the right to elect their electors, and they moved to a system whereby the winner of the popular vote in each state would win all of the electoral votes from the state.

One other feature of the electors bears noting. The electors from each state meet to cast their votes for president, but all the state electors never meet together as one single national body.

The allocation of electors to the states mirrored the compromise in Congress, with each state assigned a number of electors based on the number of members in the House of Representatives and the number of senators. Thus, each of the smallest states would have three electors, one for its representative in the House of Representatives plus two for its two senators. Today, the most populous U.S. state, California, has 55 electors — 53 for its representatives in the House of Representatives and two for its two senators. The final allocation is broadly proportional to population, with the largest states having more electors than the smallest, although small states are somewhat overrepresented in the Electoral College due to the principle of state equality in the Senate.

Electing a National Figure

The worst-kept secret among the framers of the Constitution was that George Washington would be the first president of the United States. He was a consensus national hero, and he ran successfully for president twice with no opposition.

But the framers worried that after Washington there were few men of national stature who would attract the votes of states that were isolated by poor transportation systems and parochial attachments. The original Electoral College was designed to encourage the selection of a national figure. Under the original Electoral College, electors could each cast two votes, but only one of these votes could go to a candidate from their home state. The candidate with the most votes would become president, and the candidate with the second greatest number would become vice president.

The framers believed that electors might cast one vote for a "favorite son" from their state, but that they would have to consider a widely known national candidate for the other vote.

In addition to this feature, the original Electoral College presumed that there would be no political parties or political tickets of a president and vice president. The person with the second-highest number of votes might come from a different region or faction than the president. In today's terms, it would be the equivalent of electing Republican George W. Bush president in 2004 and making the runner-up, Democrat John Kerry, the vice president.

The system did work to encourage presidential electors to vote for national figures. John Adams and Thomas Jefferson emerged as nationally known rivals within George Washington's administration.

But the framers' conception of a government without political parties broke down quickly. John Adams and Alexander Hamilton became identified as Federalists, and Thomas Jefferson and James Madison as Democratic Republicans (the forerunner of today's Democratic Party). The original Electoral College, in which each elector cast two votes, did not work well with such a party system.

In the election of 1800, Thomas Jefferson ran as president for the Democratic Republican Party, and Aaron Burr ran as his vice president. This political ticket beat the Federalist incumbent president, John Adams, and his running mate, Charles Pinckney. But all of the electors who voted once for Jefferson also voted for Burr. While the intention of everyone was for Jefferson to be president and Burr vice president, the two ended up in a tie. The House of Representatives, still in the control of the Federalists, then had to decide the election. This led to machinations by the Federalist Party in Congress and by Burr, and there was a period of uncertainty as to who would become president. Ultimately, cooler heads prevailed, and Jefferson was elected president by the House. But the experience led to the 12th Amendment to the Constitution, which provides that each elector casts one vote for president and the other for vice president.

Two-Party System

The framers did not conceive of a political party system and certainly did not design the Electoral College to promote one. But over time, the Electoral College has strengthened the two-party system of Democrats and Republicans.

First, states moved to make their elections winner-take-all. In a winner-take-all system, a party must be strong enough to win the popular vote in a state, not just get a noticeable percentage.

Second, the Electoral College makes it necessary for parties to win states in multiple regions of the country. One could not gain a majority by just winning the South or the Northeast. And in fact, almost every recent successful presidential candidate has won a majority of the states.

After the 1800 election when the Electoral College was changed, only once has the presidential election failed to produce a winner with a majority of the electors, thereby sending the election to the House of Representatives for a decision. That was in 1824, when the early party system was evolving.

In 1860, Republican Abraham Lincoln won election with a plurality of the popular vote, less than 40 percent, benefiting from a Democratic Party split and multiple candidates, but he still received a majority of the electors.

From time to time, third-party candidates, such as former President Theodore Roosevelt in 1912 running against his protégé, President William Howard Taft, won states and electoral votes. But those third-party candidates have never won the presidency, and the parties tended to die out quickly as they were not able to sustain the national effort needed to win the presidency or to win significant seats in Congress.

Since 1972, no third-party candidate has won a majority in a single state. Even candidate Ross Perot, who won nearly 20 percent of the popular vote in 1992, was not strong enough to win a plurality of votes in any single state.

The Test of Time

There have been many movements to change the Electoral College and to adopt a straight national popular vote. Since its creation, the Electoral College has been changed formally by constitutional amendment and informally as various party systems that interact with it have come and gone. The framers of the Constitution would recognize today's Electoral College as an institution that is consistent with the separation of powers, with the president elected independently of Congress and the states.

The framers did not foresee the rise of political parties, but they wanted national figures in the office of president, and one consequence of the Electoral College has been to make it hard for third parties, regional factions, or lesser figures to gain the presidency.

All in all, the basic thrust of the Electoral College to elect a president with broad popular appeal, not dependent on Congress, and with national stature still operates today. ■

The opinions expressed in this article do not necessarily reflect the views or policies of the U.S. government.

How the Electoral College Functions

© AP Images/Steven Senne

Presidential electors take the oath of office in December 2000 at the Massachusetts State House in Boston.

The Constitutional Basis

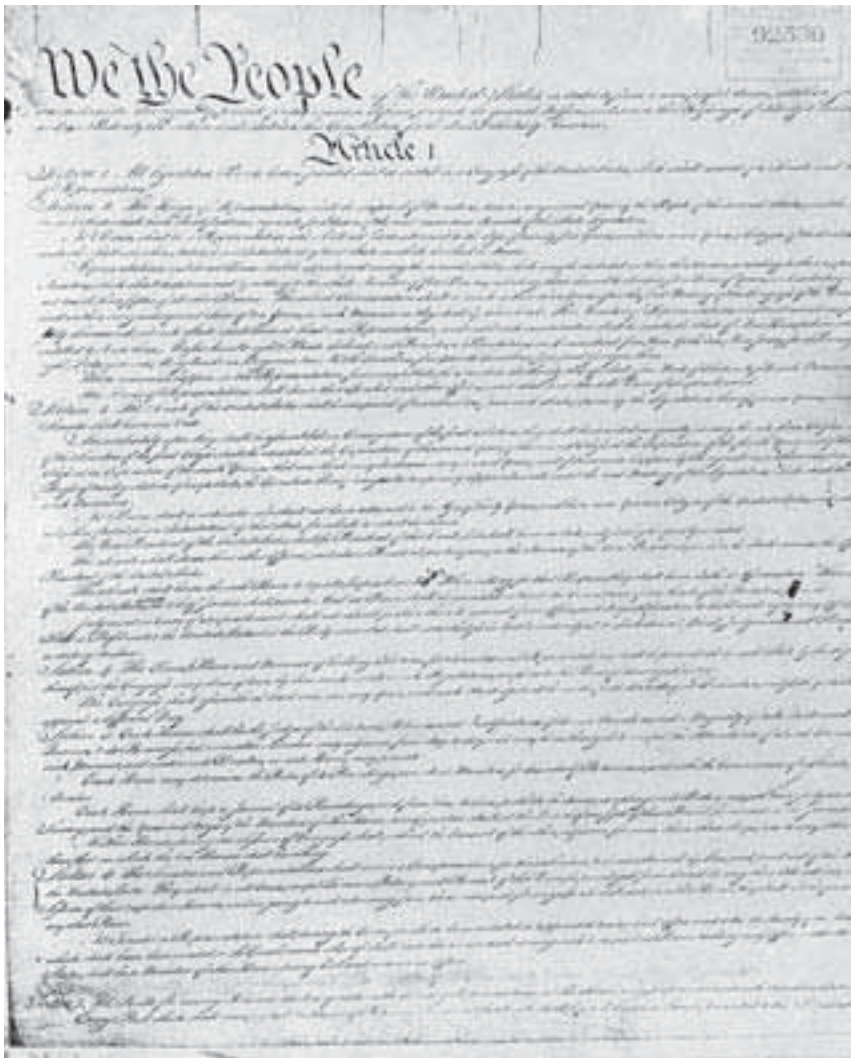
Excerpt from Article II, Section 1, of the U.S. Constitution

The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

• The Electoral College is not a place. It is a process that began as part of the original design of the U.S. Constitution. The Electoral College was established by the Founding Fathers of the United States as a compromise between election of the president by Congress and election by direct popular vote. The people of the United States vote for electors, who then vote for the president. The National Archives is the federal government agency that oversees the process.

• Each state is allocated a number of electors equal to the number of its U.S. senators (always two) plus the number of its U.S. representatives, which is based on the census of population conducted every 10 years. Currently, the populous state of California has 55 electors, while a state with fewer residents, such as North Dakota, might have only three or four.



© AP Images

The Constitution sets out the way the Electoral College works, with little direction about who can serve as electors.

• The Electoral College now consists of 538 electors (one for each of the 435 members of the House of Representatives and the 100 senators, plus three for the District of Columbia, the national capital, Washington). A majority of 270 electoral votes is required to elect the president and vice president.

• The U.S. Constitution contains very few provisions relating to the qualifications of electors. Article II provides that no member of Congress "or Person holding an Office of Trust or Profit under the United States" shall be appointed an elector.

• The process for selecting electors varies state by state. Generally, state political party leaders nominate electors at their state party conventions or by a vote of the state party's central committee. Electors are often selected to recognize their service and dedication to their political party. They may be state-elected officials, party leaders, or persons who have an affiliation with the presidential candidate.

• The voters in each state choose the electors pledged to a presidential candidate on the day of the general election — the Tuesday after the first Monday in November (November 4 in 2008). The electors' names may or may not appear on the ballot below the name of the candidates running for president, depending on the procedure in each state.

• The electors in each state meet on the first Monday after the second Wednesday in December (December 15 in 2008) to select the president and vice president of the United States.

• No constitutional provision or federal law requires electors to vote in accordance with the popular vote in their state. But some state laws provide that so-called faithless electors be subject to fines or be disqualified for casting an invalid vote and be replaced by a substitute elector. The U.S. Supreme Court has not specifically ruled on the question of whether pledges and penalties for failure to vote as pledged may be enforced under the Constitution. No elector has ever been prosecuted for failing to vote as pledged.

• Today it is rare for electors to disregard the popular vote by casting their electoral vote for someone other than their party's candidate. Electors generally hold a leadership position in their party or were chosen to recognize years of loyal service to the party. Throughout U.S. history, more than 99 percent of electors have voted as pledged.

• The Electoral College vote totals determine the president and vice president, not the statistical plurality or majority a candidate may have in the nationwide popular vote totals. Four times in U.S. history — 1824, 1876, 1888, and 2000 — the candidate who collected the most popular votes nationwide failed to win the majority of electoral votes.

• In 2008, 48 out of the 50 states and the District of Columbia award electoral votes on a winner-take-all basis. For example, all 55 of California's electoral votes go to the winner of that state's popular vote, even if the margin of victory is only 50.1 percent to 49.9 percent. Only two states, Nebraska and Maine, do not follow the winner-take-all rule. In those states, there could be a split of electoral votes among candidates through a proportional allocation of votes.

• Congress meets in joint session in January of the year following the presidential election to count the electoral votes.

• If no presidential candidate wins a majority of electoral votes, the 12th Amendment to the Constitution provides for the presidential election to be decided by the House of Representatives. The House would select the president by majority vote, choosing from the three candidates who received the greatest number of electoral votes. The vote would be taken by state, with each state delegation having one vote. If no vice presidential candidate wins a majority of electoral votes, the Senate would select the vice president by majority vote, with each senator choosing from the two candidates who received the greatest number of electoral votes.

• The House has selected the president twice, in 1800 and 1824. The Senate has selected the vice president once, in 1836.

• Reference sources indicate that over the past 200 years, more than 700 proposals have been introduced in Congress to reform or eliminate the Electoral College. There have been more proposals for constitutional amendments on changing the Electoral College than on any other subject.

• Opinions on the viability of the Electoral College system may be affected by attitudes toward third parties — ones other than the Democratic and Republican parties. Third parties have not fared well in the Electoral College system. In 1948 and 1968, third-party candidates with regional appeal won blocs of electoral votes in the South, which may have affected the outcome but did not come close to seriously challenging the major party winner. The last third-party candidate to make a strong showing was former Republican President Theodore Roosevelt in 1912. He finished a distant second in electoral and popular votes (taking 88 of the 266 electoral votes then needed to win). Although Ross Perot won 19 percent of the popular vote nationwide in 1992, he did not win any electoral votes since he was not particularly strong in any state. ■

Source: The National Archives.

Winning an Electoral College Majority

David Mark

The Electoral College system makes electing the president of the United States much more complicated than simply counting all of the popular votes. The major political parties have to craft strategies for winning the few "swing states" that can determine the election.

David Mark is senior editor at Politico *and politico.com, print and online publications covering national U.S. politics.*

Americans cast ballots for president of the United States every four years, but, strange as it may sound, there are no national elections. Rather, Americans vote for national office in 51 individual elections in the 50 states and the District of Columbia (the capital city, Washington). Added together, these tallies comprise the Electoral College and decide presidential campaigns.

© AP Images/Madalyn Ruggiero

Democratic nominee Barack Obama campaigns in Ohio, where he lost the Democratic primary election to Hillary Clinton.

Piecing together an Electoral College majority is a complex task. Presidential campaigns spend countless hours devising strategies to reach the magic number of 270 electoral votes, a majority of the 538 total. Building an Electoral College majority inevitably means the expenditure of precious time and resources in one state at the expense of another. In the final weeks before election day, campaigns must make difficult decisions daily about the states that should be seriously targeted and those to be abandoned. Picking the wrong states in which to campaign means the difference between winning the White House and being out in the political cold on Inauguration Day, January 20.

Still, political realities mean that the majority of states, up to 30 or so, are probably safely Democratic or Republican and not in serious contention. Spending time and money in these safe states would be a serious waste for either campaign.

Static Playing Field

The first decade of the 21st century has shown there to be fewer and fewer obvious targets than in past presidential elections. Remarkably little turnover occurred in the electoral map between the 2000 and 2004 presidential elections. In fact, only three states switched sides: Iowa and New Mexico, which went from supporting Democratic nominee Al Gore in 2000 to Republican President George W. Bush in 2004; and New Hampshire, which backed Bush in 2000 but went for Democratic nominee John Kerry four years later. That makes for one of the most static presidential maps in recent memory.

Yet in 2004, 13 states were decided by seven or fewer percentage points: Colorado, Florida, Iowa, Michigan, Minnesota, Nevada, New Hampshire, New Jersey, New Mexico, Ohio, Oregon, Pennsylvania, and Wisconsin. So in 2008, campaign strategists for Republican nominee John McCain and Democratic standard-bearer Barack Obama are looking for ways to expand the playing field and to put more states' Electoral College votes in play.

Obama's plan, for instance, calls for broadening the electoral map by challenging McCain in typically Republican states, including North Carolina, Missouri, and Montana. McCain's strategy, meanwhile, aims to compete for states that have recently voted Democratic, such as Pennsylvania — where Obama was soundly beaten in the primary election for the Democratic nomination by Senator Hillary Clinton — and Michigan, where

Obama did not compete in the primary. Officials from both campaigns confidently predict that they will steal states that have been in the other party's column in recent elections.

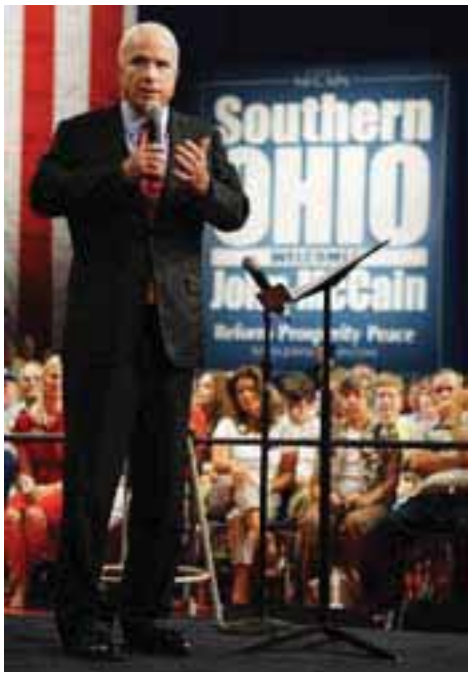
Electoral College Strategies

Obama's route to the necessary 270 electoral votes starts with holding every state won by John Kerry in 2004 and focusing on a handful of states that Obama advisers think are ripe for conversion. Kerry won 252 electoral votes. To pick up 18 more electoral votes, Obama will target Iowa, Virginia, North Carolina, New Mexico, Nevada, and Colorado, among others. His list also includes Ohio, where he lost the primary to Clinton but which, in 2006 midterm elections, shifted dramatically toward the Democrats. For his part, McCain hopes voters will help him hold on to Ohio, which has been critical to Republican success in the past two presidential elections, and convert Michigan, Pennsylvania, and Wisconsin to the Republican column.

But sometimes campaigns' Electoral College state-targeting strategies are not everything they seem. Campaigns often engage in elaborate ruses to make it appear as if they are spending serious amounts of money to win a state, when in reality they have no such intentions. The idea is to force the rival campaigns to spend precious time and money in states they would have ordinarily considered safe — to play defense in their home territory.

A classic example of this "head fake" strategy came during the heated closing days of the 2000 presidential campaign, when Democratic Vice President Al Gore ran to succeed his boss, President Bill Clinton, while the Republican nominee was Texas Governor George W. Bush. In October 2000, just weeks before election day, the Bush campaign made the questionable decision to run expensive television and radio ads in California, which, with 54 electoral votes (it now has 55), is the mother lode of presidential politics. The Bush team spent more than $1 million advertising in California's expensive media markets — Los Angeles, San Francisco, and San Diego — and Republican vice presidential nominee Dick Cheney spent a precious day barnstorming the state in the campaign's closing days

The Gore campaign, however, did not take the bait. Confident of strong Democratic support in California, the Democratic team focused its finite resources elsewhere. That turned out to be a smart strategy, as Gore won California handily, with 53 percent of the vote to Bush's 42 percent.



© AP Images/Carolyn Kaster

Republican nominee John McCain campaigns in Ohio, one of the closely divided states.

But in Ohio, the Gore campaign pulled out far too early and denied itself the potential opportunity to win the state's 21 electoral votes. While Gore's campaign had expected a large Republican victory in Ohio, it turned out that Bush won by only 3.5 percentage points. With more attention, the statewide result might very well have been different, and a victory would have more than ensured the presidency for Gore.

The 2008 nominees have similarly mentioned several states as possibilities to be competitive; in reality, though, they will likely not be so. Obama's aides have said some states where they intend to campaign — such as Georgia, Missouri, Montana, and North Carolina — might ultimately not turn from Republican to Democratic. But the result of making an effort there could force McCain to spend money or send him to campaign in what should be safe ground, rather than using those resources in crucial battleground states such as Ohio.

Winner Take All

For presidential campaign strategists, one of the most frustrating aspects of the Electoral College is the rule in almost every state that the winner of the statewide vote gets all of that state's electoral votes, no matter how close the margin. George W. Bush in 2000 famously won Florida — and the presidency — by 537 votes out of

more than 6 million cast in the Sunshine State. Still, even that narrowest of margins, made official only after 36 days of legal wrangling and a Supreme Court decision stopping a statewide recount, was enough to give the Republican ticket all of the state's electoral votes.

In 1988, Republican nominee George H.W. Bush won 426 Electoral College votes to 112 for Massachusetts Governor Michael Dukakis, the Democratic nominee, making it appear as a lopsided victory. But Bush's margins of victory in many states were relatively slim, making for a broad but shallow victory (California, 51 to 48 percent; Connecticut, 52 to 47 percent; Illinois, 51 to 49 percent; Maryland, 51 to 48 percent; Missouri, 52 to 48 percent; New Mexico, 52 to 47 percent; Pennsylvania 51 to 48 percent; Vermont, 51 to 48 percent). The vote differentials in other Electoral College-rich states were not considerably larger. With a campaign more responsive to attacks against them and being more aggressive in setting the issues agenda, Democrats might have won.

And in 2000, Gore lost New Hampshire 48.1 percent to 46.8 percent. That proved to be a crucial margin because New Hampshire's four electoral votes would have given Gore an Electoral College majority of 271 — making the disputed Florida results irrelevant. Also, a victory for Gore in his home state of Tennessee in 2000 would have locked up the election. Instead, Tennessee's 11 electoral votes went to Bush, by about 4 percentage points, making Gore the first presidential nominee to lose his home state since Democrat George McGovern in 1972, and helping to cost him the presidency.

Electability in the General Election

When Democratic and Republican primary election voters cast ballots for their party's nominee, they often take into consideration not only which candidate they prefer based on issues and personal qualities, but also which one has the best chance for winning the general election in November.

That's a big reason why John Kerry won the 2004 Democratic presidential nomination over former Vermont Governor Howard Dean. Early in the election cycle, Dean's furious criticism of the Iraq war and Bush administration policies generally propelled him from obscurity to front-runner in the Democratic presidential primary pack. His fiery rhetoric struck a chord with Democratic primary voters, who felt frustrated that many of their party's own leaders in Congress had been unwilling to challenge Bush aggressively.

But Dean's uneven performance on the campaign trail and his inexperience in national politics led Democratic primary voters eventually to choose Kerry, a senator for nearly 20 years. Kerry was a known quantity and a serviceable, if uninspiring, speaker whom they figured would be a tougher opponent against Bush. In the aftermath of the primaries, a quipster said many Democrats "dated Dean, married Kerry."

The Electoral College map became a major issue in the 2008 Democratic presidential nomination fight. In a race that lasted for nearly six months and wasn't decided until all primary and caucus states had cast ballots, Hillary Clinton argued that she should be her party's nominee because she stood a better chance than nomination rival Barack Obama of beating Republican nominee John McCain in the general election.

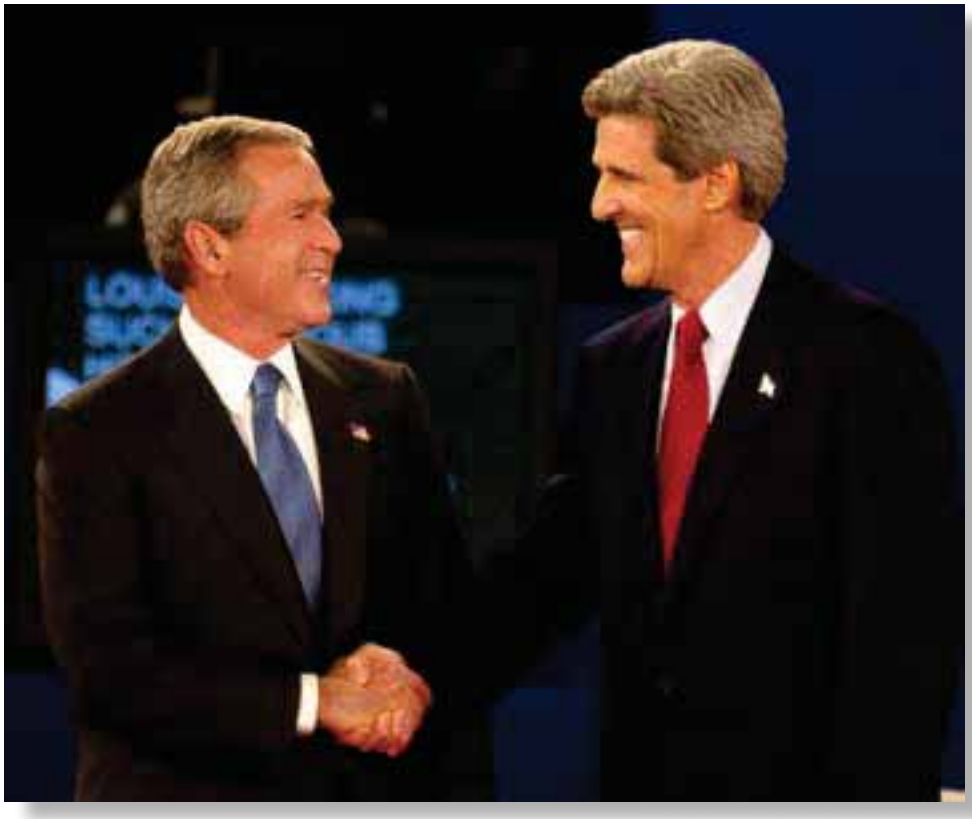
Clinton pointed to her primary victories in swing states such as Ohio, Pennsylvania, and West Virginia. The argument seemed to hold little water with Democrats, who chose Obama as the party nominee to oppose McCain.

Democrats will find out November 4 whether the electorate validates the party's nomination choice. After all, a winning Electoral College coalition is a constantly shifting target for campaigns. Perhaps most vexing, it is virtually the only facet of American government in which the winner of the greatest number of votes in an election is not automatically the victor. As the Obama and McCain campaigns work frantically in the election's final weeks to stitch together at least 270 votes, what seems like a winning combination one day could come up short in the only measure that ultimately counts — the state-by-state count on Election Day. ■

The opinions expressed in this article do not necessarily reflect the views or policies of the U.S. government.

A Day in the Life of an Elector

Bruce Odessey



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Willard's candidate, Democrat John Kerry (right), won in Delaware in 2004 but lost to President George W. Bush nationally in both the popular vote and the Electoral College.

Timothy Willard, one of the 538 presidential electors from 2004, recounts his experience. His candidate lost.

Bruce Odessey is the managing editor for this edition of eJournal USA.

One day in December 2004, Timothy G. Willard took a few hours off from his law practice in Georgetown, Delaware, and traveled to the state capital, Dover, to vote for president of the United States.

A lot of people probably believed that the citizens of Delaware had voted for president a month earlier, but actually they had voted for three electors pledged to vote for either Republican George W. Bush or Democrat John F. Kerry in the Electoral College.

Willard was a state Democratic Party stalwart, a former county party chairman who had served as a delegate to the national party's 2000 nominating convention and worked on the state party's 2004 political platform.

Delaware, one of the smallest states in the Union, had only three electoral votes in 2004. (California, the biggest state, had 55.) Delaware coincidentally has only three counties, and the state Democratic Party chairman appointed one person from each county, including Willard from Sussex County, to serve as a presidential elector if Kerry won the popular vote in Delaware.

Courtesy of Joshua Daniel Franklin

Timothy Willard spent his one day on the job as a presidential elector at the Delaware State Capitol in Dover.

The Day in Dover

Kerry did win in Delaware, with 53 percent of the popular vote. In fact Democratic presidential candidates have won every election in Delaware since 1988. And so Willard got the chance to go to Dover to vote in the Electoral College on December 13, the first Monday after the second Wednesday in December, as the U.S. Constitution requires for electors in all the states and the District of Columbia (the national capital, Washington).

At 10 a.m., Willard and his two colleagues sat in the ornate chamber of the Delaware House of Representatives, selected one of them as chairperson, and then carried out their duties.

They received the November election official results from the state Department of Elections and signed a group of papers certifying the results: three electoral votes for Kerry as president, three electoral votes for Kerry's running mate, John Edwards, as vice president. They sent the papers to the Delaware secretary of state for delivery to the National Archives in Washington. A few weeks later, the U.S. Congress officially counted the electoral votes for president and vice president, including Willard's.

But as everyone already knew, Bush beat Kerry 286 to 252.

Ceremonial Task

Presidential electors don't have the same kind of independent power that the Founding Fathers seemed to have imagined for them when crafting the Constitution in 1787. By 1796, emerging political parties were already changing the dynamics of the Electoral College.

For Willard, the job was ceremonial. He probably didn't even think about voting for anyone else besides John Kerry. In fact, Delaware state law prohibited him from voting for anyone else. (No one knows if the law is constitutionally enforceable, but so-called faithless electors are exceedingly rare in history anyway.)

"The actual event didn't get too much attention from the media or press or the public," Willard said. "I just remember being in the House of Representatives, and the gallery was not filled."

Even so, he was proud to serve a formal part of governing that needed to be done. "It was a great honor to be a part of a process, which, I think, a lot of people don't understand," he said.

Yet he also said that Americans should probably be exploring alternative systems to electing the president, systems that do not elect a candidate with fewer nationwide popular votes than another candidate, as has occurred sometimes with the Electoral College.

"I think we need to explore alternatives that are more understandable and simpler," Willard said. "I'm just saying ... I don't think it's a good thing if people don't understand it or have doubts about it or are cynical about it." ■

When the Electoral Vote and the Popular Vote Differ

Thomas H. Neale

Library of Congress, Prints & Photographs Division

An 1824 political cartoon portrays a crowd of citizens cheering candidates (left to right) John Quincy Adams, William Crawford, and Andrew Jackson.

Four times in U.S. history, the Electoral College system resulted in election of a candidate for president who had received fewer popular votes nationwide than another candidate.

Thomas H. Neale is a specialist in American national government who produces reports for Congress at the Congressional Research Service.

Since the first U.S. presidential election in 1788, the Electoral College system has delivered "the people's choice" in 51 of 55 contests, but on four occasions the Electoral College gave controversial results. Three of these elections, 1876, 1888, and 2000, produced a president and vice president who won a majority of the electoral vote but fewer popular votes than their principal opponents. In 1824, there was no Electoral College majority, and the House of Representatives elected the president.

1824: A Corrupt Bargain?

The impending retirement of President James Monroe signaled a major shift in U.S. politics as the election of 1824 approached. The two political parties of that era were called the Federalists and the Democratic Republicans. For the previous quarter-century, the Democratic Republican Party had controlled the White House, while the Federalist Party withered away. By 1824, however, the Democratic Republican Party showed

signs of splintering: States were expanding the right to vote, the established order was being questioned, and change was in the air. Unable to agree on a consensus nominee, Democratic Republican factions nominated four candidates: Secretary of State John Quincy Adams and Treasury Secretary William Crawford, the establishment choices; Senator Andrew Jackson, hero of the Battle of New Orleans; and Henry Clay, powerful speaker of the House of Representatives.

After a spirited campaign — conducted by surrogates because it was considered demeaning for the candidates to engage in retail politicking — the results were hopelessly divided. Jackson had the most popular and electoral votes, followed by Adams, then Crawford and Clay, but none of the four commanded an Electoral College majority. Under these circumstances, the Constitution required the House of Representatives to choose the president, with each state delegation casting just one vote. Furthermore, since only the three top candidates were eligible, Clay was eliminated.

By the time Congress assembled in Washington in December 1824, the divided election results were known, but the official announcement was not scheduled until February 9, 1825, so for two months the capital seethed with political speculation and backroom maneuvers. It became clear that Crawford, who was recovering from a stroke, was out of the running and that the contest would be decided between Adams and Jackson.

The front-runners presented a stark contrast: Adams, a Harvard graduate from Massachusetts in New England, was a seasoned diplomat and son of a president, while Jackson was a rough-hewn politician from Tennessee in what was then the West, a military hero and a man who had fought several duels. House Speaker Clay, who held the balance of power, negotiated with supporters of both Jackson and Adams, but he and the New Englander shared similar policies, and both deeply mistrusted Jackson. After the two held a long private meeting in January, Clay's support for Adams became known. Two weeks later, a letter in a Philadelphia newspaper asserted that Clay agreed to back Adams in return for the position of secretary of state if Adams won. A storm of charges and countercharges followed, with Jackson supporters accusing Clay and Adams of a "corrupt bargain."

On February 9, Congress assembled to count the electoral votes. As expected, Jackson won 99 electoral votes, 32 short of the 131 then needed to win, while Adams claimed 84, Crawford, 41, and Clay, 37. With the results declared, the House turned to its constitutional duty, with none other than Henry Clay presiding in his position as speaker. At that time, when the Union comprised 24 states, 13 state delegation votes were needed to win; early reports indicated that 12 states favored Adams, one short of a majority.

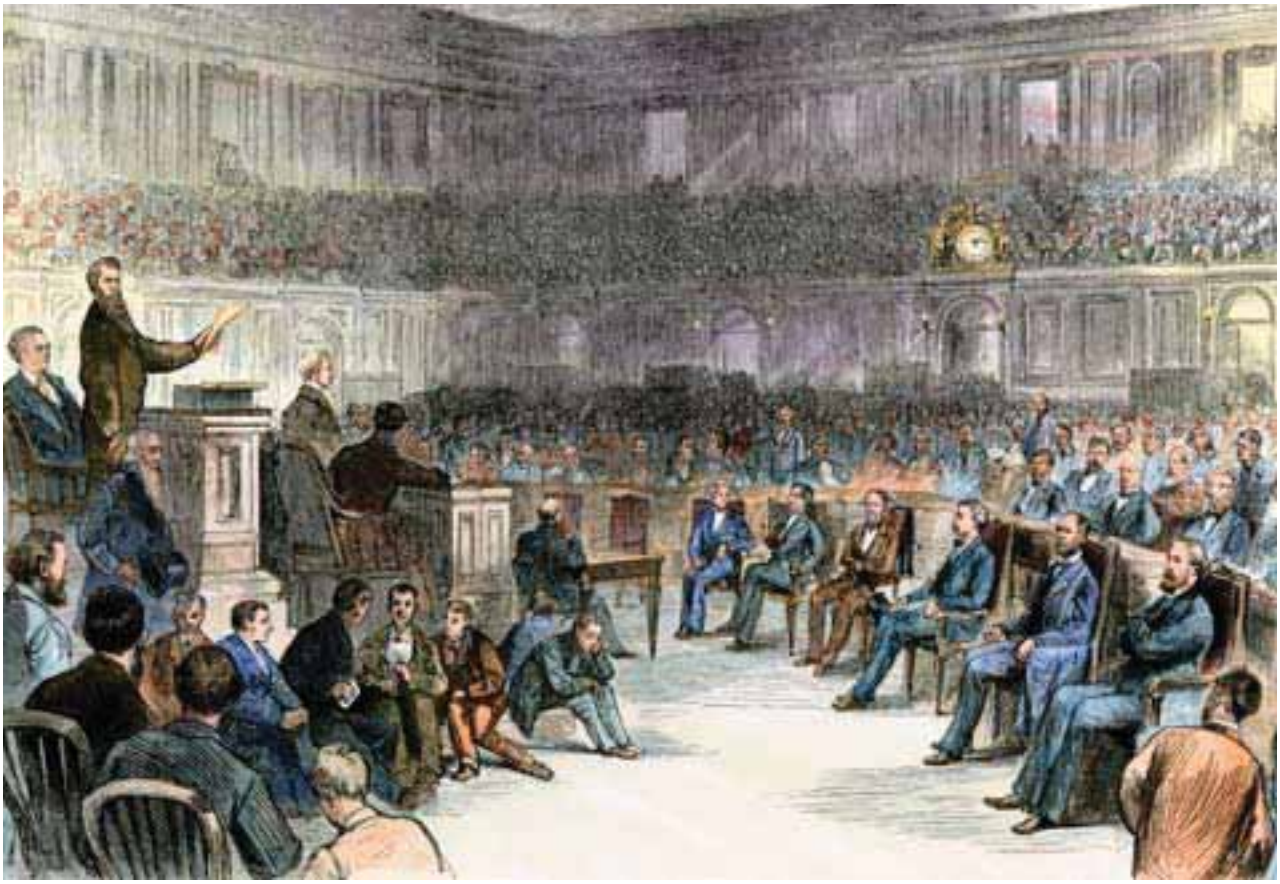
Jackson hoped to stop Adams on the first round, gain Crawford supporters, and then put some of the New Englander's states into play. The key was New York State, whose House delegation was evenly split, with one representative undecided. The morning of the count session, Clay and Representative Daniel Webster from Adams's home state invited the wavering New Yorker to Speaker Clay's office. Clay and Webster were famous for their persuasive oratory, and whatever they said must have worked: When the roll was called, New York was in the Adams column, putting him over the top. The final results were 13 state votes for Adams, 7 for Jackson, and 4 for Crawford.

Eleven days later, Adams announced that Clay would be his secretary of state, giving fresh credence to the corrupt bargain charge. Adams and Clay always denied it, but, true or not, the charge overshadowed Adams's presidency. It both enraged and energized Jackson and his supporters, who started planning Jackson's next presidential campaign immediately. Four years later, the Tennessean was vindicated when he soundly defeated Adams in the 1828 election.

1876: The Compromise of 1877

In 1876, the Republican Party of the late President Abraham Lincoln (nicknamed the Grand Old Party, or GOP) had dominated the presidency for 16 years, but GOP control was in jeopardy. The country was mired in a severe economic depression for the fourth year in a row. President Ulysses S. Grant was retiring after two terms dominated by a succession of political scandals. The Democrats, once disgraced by their Civil War association with the rebellious South, had regained strength and confidence, winning a majority in the House of Representatives in 1874. And white southern voters were demanding the withdrawal of federal troops stationed in the former Confederacy to enforce Reconstruction, the federal government's policy for guaranteeing political rights to the ex-slaves and safeguarding Republican state governments imposed after the war.

Meeting in their national conventions, the Democrats



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In February 1877, Congress counted the electoral votes after the contested Tilden-Hayes election.

nominated Governor Samuel Tilden of New York for president, while the Republicans picked Ohio Governor Rutherford B. Hayes. Both men had reputations as reformers, and the two parties offered similar platforms advocating honest government and civil service reform. The general election campaign was dominated by mudslinging and by charge and countercharge, while the nominees remained above the fray, leaving attack politics to surrogates and the highly partisan newspapers of the day.

More than 8 million voters turned out on election day, November 7. By evening, results arriving by telegraph showed a strong Democratic trend. Republican strongholds fell to Tilden, and by morning, he appeared to have won 17 states by a popular vote margin of at least 250,000, for 184 electoral votes, at that time just one short of a majority. Hayes was behind with 18 states and 165 electoral votes, but Republican Party hopes revived when returns showed narrow leads for Hayes in Florida, Louisiana, and South Carolina, which controlled 19 votes. Local Democrats disputed the results, asserting that federal troops had tainted the election; the GOP countered with claims that black Republican voters had been kept from the polls by force in many places. Bitterly divided, each state sent two contradictory certificates of election results to Congress.

A fierce battle over the disputed returns was predicted, with supporters of both candidates threatening violence. Congress responded in January 1877 by establishing a bipartisan electoral commission made up of senators, representatives, and Supreme Court justices. The commission would determine which slate of disputed electors had the better claim. On February 1, Congress met to count the electoral votes; the disputed returns were referred to the commission, which painstakingly examined each of them. The process continued for more than a month, but in every case the commission voted by the narrowest margin to accept the Republican electors. On March 2, the last votes were awarded to Hayes, who was declared elected by a one-vote margin, 185 to Tilden's 184.

Despite widespread discontent among Democrats, the streets remained quiet: Over the previous month, party political operatives had worked out an agreement behind closed doors, the Compromise of 1877. Tilden and the Democratic Party accepted a GOP victory, while Hayes pledged to withdraw federal troops from the states of the former Confederacy, effectively ending Reconstruction. With the departure of the army, Republican governments in the South fell as former slaves were prevented from voting by legal maneuvers, intimidation, and terrorism. Loss of the vote was quickly followed by segregation laws and other discrimination against blacks, and it would be eight decades before the nation redressed the legacy of 1877.

1888: Out and In

The presidential election of 1888 saw less of the high political drama that characterized the other Electoral College controversies. Incumbent President Grover Cleveland of New York, a Democrat, was renominated on a platform of continued civil service reform and tariff reduction. The Republican Party, defenders of the tariff, which benefited U.S. industry but kept consumer prices high, chose Benjamin Harrison of Indiana, grandson of President William Henry Harrison.

Cleveland sat out the election campaign, relying on surrogates to carry his message to the public. Harrison, by contrast, delivered dozens of political speeches from his home, conducting perhaps the first "front porch" campaign. The campaign itself may have been one of the more corrupt in U.S. history, with both sides accused of buying and selling votes, engaging in political dirty tricks, and adjusting election returns to deliver votes as needed.

On November 6, more than 11 million Americans cast their votes. A close election was expected, and the returns showed Cleveland had outpolled the Republican candidate by 5,540,000 popular votes to 5,440,000. Harrison, however, had won the election on the strength of a comfortable electoral vote majority, 233 to 168.

Library of Congress

Republican Benjamin Harrison (top) won the 1888 election by edging incumbent Democrat Grover Cleveland in several northern states.

What had gone wrong? Cleveland won the southern states with huge popular vote margins but lost many northern ones by only a few thousand votes each. Harrison was inaugurated without much controversy on March 4, 1889, but four years later Cleveland made another run, and this time he was successful, returning to the White House in 1893.

2000: The Supreme Court Steps In

© AP Images/Nick Ut

The *Los Angeles Daily News* declares George W. Bush the 2000 winner the day after the election, although vote counting went on for several more weeks.

Few U.S. presidential contests have ended as acrimoniously as the election of 2000. Even now, after nearly a decade, emotions run high among committed partisans of Republican George W. Bush and Democrat Al Gore when discussion turns to the subjects of "dimples," under-votes, "hanging chads," or the Supreme Court's ruling that ended the recount process in Florida.

The general election campaign, though hard fought, gave little indication of the controversy to come. According to most polls, Governor Bush of Texas held a narrow lead, but Vice President Gore appeared to be closing the gap. Two minor party candidates presented a complicating factor: Consumer advocate Ralph Nader's Green Party was perceived as drawing support from Gore voters, while Patrick Buchanan, nominee of the Reform Party, was expected to cut into Bush's popular vote.

More than 105 million Americans cast votes for president on November 7; by early evening it was clear that the election would be close. Gore held a slight popular vote lead nationwide, and the electoral vote was also tight, standing at 246 electoral votes for Bush and 255 for Gore, with 37 undecided in three states. New Mexico and Oregon, with 12 votes, were eventually declared for Gore, but Florida, with 25 decisive electoral votes and where Bush held a tiny lead, remained in contention.

Reports of confusing ballots and other irregularities led to demands for statewide and county recounts in Florida. The national Democratic and Republican parties dispatched teams of lawyers and political operatives to make their case in the courts and media. Acrimonious and widely publicized disputes over the recounts dominated the news for weeks, and both parties filed suit in Florida state and federal courts. Meanwhile, the clock was ticking: Federal law required Florida to declare its electoral vote by December 12.

After a series of starts and stops and conflicting lower court decisions, the U.S. Supreme Court ruled five to four that Florida's recount procedures violated the 14th Amendment's equal protection clause and that, since there was no time to devise and implement a different plan, the vote would stand. The court's decision was assailed by Gore supporters as politically biased in favor of the Republican Party, but the recounts ended and George Bush was declared the winner in Florida with a margin of 537 votes. Nationwide, Bush won 271 electoral votes to Al Gore's 266, but Gore had received about 540,000 more popular votes.

Although bitterly disappointed, Vice President Gore accepted the results and urged his supporters to respect the Supreme Court's decision in the best interests of the nation. A number of representatives contested the results when Congress met to count the electoral vote on January 6, 2001, but they lacked Senate co-sponsors and were disallowed by Gore, who as vice president presided over the session. Bush was inaugurated on January 20, the first U.S. president in more than a century who failed to win a plurality of the popular vote. ■

The opinions expressed in this article do not necessarily reflect the views or policies of the U.S. government or the policies or findings of the Congressional Research Service.

Electoral College Reform? Not So Easy

David Lublin

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The Supreme Court halted recounting of votes in Florida, essentially deciding the 2000 Bush-Gore election in favor of Bush.

Reforming the Electoral College system for electing the U.S. president would require enormous effort and a consensus that does not now exist.

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It's not hard to point out reasons why one might want to abolish the Electoral College for electing the president of the United States — especially because the system occasionally elects a candidate who has received fewer popular votes nationally than another candidate. Figuring out how to replace it is not so simple.

One reason that the Electoral College is likely to stick around is that amending the U.S. Constitution is difficult. It requires that the U.S. Congress first pass the proposal by a two-thirds majority in both the House of Representatives and the Senate, and then three-quarters of the states must ratify it. The Constitution has been amended only 27 times since its adoption in 1787. And that's including the first 10 amendments to the Constitution, known collectively as the Bill of Rights, passed shortly after ratification of the original Constitution.

Overwhelming support, if not consensus, is generally required to get over the hurdles to ratification. That consensus does not currently exist for abolishing the Electoral College. Many Democrats think the loss of their candidate in the 2000 presidential election shows the urgency of reform, but some Republicans consequently view efforts to change the system as an effort to discredit the victory of their candidate. Despite some support across party lines, there is no consensus in favor of reform.

Moreover, various states have an array of reasons to oppose ratification. Small states receive a somewhat disproportionate share of electoral votes since the number of electoral votes allotted to each state equals the number of senators — always two — plus the number of representatives elected by the state — at least one, regardless of the population. Closely contested states, such as Florida and Ohio in the 2000, 2004, and 2008

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A direct popular vote for president could result in many more hotly contested election counts, such as the one in Florida in 2000. These computer analysts are recounting ballots on November 8, 2000, in Fort Lauderdale, Florida.

elections, receive more attention from presidential candidates because electoral votes are allocated by the winner-take-all method in all but two states — Maine and Nebraska. Electoral College opponents identify this aspect of the current system as a flaw, but marginal states may not be so quick to give up the extra attention lavished on them by presidential candidates. Many people like the fact that the Electoral College reflects the federal nature of the United States and resist efforts to abolish it as an attack on federalism and the powers of the states.

National Popular Vote Compact

Some advocates of Electoral College reform are suggesting that the country work around the amendment process through an interstate compact that would assure that the winner of the national popular vote becomes president. Proponents of this National Popular Vote compact suggest that states containing a majority of Electoral College votes should agree to cast their votes for the presidential candidate who wins the national popular vote in the election, whether the candidate won or lost in those states. Adopting the reform through a compact between the states would be much easier than through constitutional amendment. It would take 38 states to ratify a constitutional amendment, but as few as the 11 most populous states could bring the interstate compact into effect.

It sounds like a clever solution, but it may sow the seeds of new problems. In the United States, the presidential election is not really a single national election but 51 separate contests in the 50 states and the District of Columbia (the national capital, Washington). Because each state decides which presidential and vice presidential candidates get on its ballot, different sets of candidates appear on the ballots of various states. Even under the compact, Americans would still not have a true national election in which every voter has the same candidate choices.

Presidential candidates could even have different running mates in different states. The proposed compact requires that any votes cast in any state for the presidential or vice presidential candidate count toward the total for the slate regardless of whether the same vice presidential candidate appeared on the ballot. For example, the running mate of third-party candidate Ralph Nader did not appear on the California ballot in 2004. Nonetheless, all votes cast for Ralph Nader in California would have counted toward not just Nader's national total but also for his running mate, even though the running mate did not appear on the ballot — an unsatisfactory solution in that case.

Some Open Questions

The close presidential contest between Republican George W. Bush and Democrat Al Gore in Florida in 2000 and its impact on the outcome stimulated calls for reform of the Electoral College. Ironically, a national popular vote would likely compound the problems of a close contest.

There is no mechanism in place — and the proposed National Popular Vote compact does not create one — for deciding a nationally close contest. All existing ballot recount laws govern the prospect of a close election within a state but do not force a recount if the election is nationally close. Moreover, while the news media and both major political parties could give a great deal of scrutiny to the recount in the single state at issue in 2000, it would be much harder for them to do the same across the entire country. While the chance of a tight election is smaller in a national contest, the standards for what constitutes a close election would also be much lower.

The enforceability of an interstate compact governing how states cast their Electoral College votes also remains an open question. The U.S. Constitution clearly gives state legislatures the right to determine how states cast their electoral votes. While the compact would prohibit withdrawal from the compact within six months of an election, it is far from clear that this provision is legally enforceable. The compact contains no backup provisions if states do withdraw and the courts refuse to stop them.

These concerns might seem small and overly technical, but the 2000 election demonstrated the importance of legal details and the necessity of being ready when an improbably close election occurs. National popular election of the president may eventually be viable, but it will require careful advance planning at the federal level to make it work and more consensus than currently exists to make that happen. ■

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Electoral Systems in International Perspective

Andrew Ellis

© AP Images/Jacques Brinon

Paris Mayor Bertrand Delanoë was elected by an electoral college composed of city council members.

The U.S. Electoral College has features common to other election systems around the world but combined in a unique way.

Andrew Ellis is director of operations for the International Institute for Democracy and Electoral Assistance (International IDEA) in Stockholm.

There are many criteria that can be used to judge electoral frameworks. Some examples are how representative they are, the stability and effectiveness of government, the accountability of government, the accountability of individual elected members, the encouragement of strong political parties, and the promotion of legislative opposition and oversight. But no electoral system can maximize all of these.

In designing institutional frameworks, the question to be asked by any society is which criteria are important — and why. Depending on the answers, institutional design can seek to respond. However, the impact of any electoral system and framework depends on many features and on how the details interact with each other.

Different electoral systems can produce different winners from the same votes cast. The U.S. presidential electoral system has a set of features none of which are unique or even necessarily remarkable in themselves, but which are unique in their combination and effect.

Major Categories

Almost all electoral systems worldwide can be divided into three major categories: plurality/majority systems, proportional representation systems, and mixed systems. In the 199 countries and territories with an identifiable electoral system at the end of 2004, 91 used plurality/majority systems for legislative elections, 72 used proportional representation systems, and 30 used mixed systems. The systems in six other countries fall outside these categories.

The first-past-the-post, or winner-take-all, system is the most common type of plurality/majority system: It was used in 47 of the 91 cases. In established democracies, proportional representation systems are more common, but the use of first-past-the-post by India and the United

States means that more people live in countries and territories that use such a system.

In choosing a president, there is, by definition, one winner. The electoral system used is bound to be of a plurality/majority type. At the end of 2004, there were 102 countries and territories in which the people voted to choose a president. This total includes countries with one of two types of systems: a presidential system, in which the president serves both as head of state and head of executive government, serves for a fixed term, and is not dependent on the confidence of the legislature to stay in office; and a parliamentary system, in which the president is head of state with few or no substantive powers, and executive government is headed by a prime minister who depends on the confidence of the legislature.

Of these 102 countries, 78 used some form of two-round system. And of those 78 countries, 22 used a first-past-the-post system; one used the alternative vote, in which voters number their preferences; and one used the supplementary vote, in which voters show their first and second choices. The first-past-the-post system is a known and accepted model, although not the most commonly used.

The systems used in 101 of the 102 countries that select a president involved the overall totaling of the votes for each candidate/ticket across the entire country. The United States is, however, unique in also using an electoral college. Votes cast by the people in each of the states and the District of Columbia are counted separately to choose electors for each, and the president is then chosen by these electors. The practical difference brought about by this system is that it creates the possibility that the candidate who wins the most votes across the whole country will not be elected president. This has happened, in practice, on three occasions out of 55 U.S. presidential elections (1876, 1888, and 2000).

Electoral Colleges

Electoral college systems are also sometimes used for elections at the local level. In Paris, each of the 20 *arrondissements* (city districts) elects members of the city council using a two-round electoral system that tends to give the biggest proportion of seats to the leading political party or that party's list of candidates, but that system often also enables representation of a second party or list. The list is likely to feature the name of the mayoral candidate prominently: The list of the current mayor campaigned in the 2008 elections under the official description "Paris, a time of advance with Bertrand Delanoë."

After the results are declared, the newly elected Paris city council members convene and vote to elect the mayor. An absolute majority is required for the mayor to be elected in the first or the second round of voting. If the voting goes to a third round, the mayor is elected by first-past-the-post and may therefore have only a plurality.

The city council members thus form an electoral college. The important feature of this electoral college, however, is that the city council members also form the city legislature through the mayor's period of office. The election of the mayor by the legislators serves to maximize the possibility that the mayor will have the support of a working majority of the city legislature during the term of office. In contrast, the members of the Electoral College for the U.S. presidency have no other function, and there is no link built into the electoral system between the presidency and the membership of the Congress.

In discussing electoral colleges, some writers include countries such as Estonia, India, Suriname, and Trinidad and Tobago, where the president — usually a head of state in a parliamentary system — is elected by the members of both houses of a two-chamber legislature, or by a combination of representatives elected at the national and local levels. In these countries, the voters for the legislature choose their legislators, and the candidates for president do not appear on the ballot in either general or municipal elections. These systems are perhaps best described as indirect electoral systems rather than as electoral colleges. ■

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The Electoral College: A French View

André Kaspi

© AP Images/Eric Feferberg

French Socialist Party candidates (from left) Dominique Strauss-Kahn, Laurent Fabius, and Segolène Royal participate in a primary election debate.

The U.S. system for electing the president remains mysterious to the French, but some elements of the two countries' political systems actually seem to be converging.

André Kaspi is professor of North American history at University Paris I Panthéon-Sorbonne. This article was translated into English from the original French.

Can the French understand how the U.S. Electoral College system works? Nothing is less certain!

Both in France, since 1962, and in the United States, the people elect the president of the republic, and both democracies do it by universal suffrage. The French, however, prefer a direct election, in fact, a two-round election process in which any citizen could become a candidate provided he or she collects 1,000 signatures endorsing his or her candidacy. The first round allows a candidate to position himself in the race; only the two candidates with the most votes can take part in the second round, which takes place two weeks later.

This means that, when all is said and done, the winner would enjoy an absolute majority of the electorate's votes. The French believe that their system is quite simple; it is open enough not to discount anyone, but constrained enough to allow only serious candidates, who are well established in political life, to run for office.

The Americans do things differently. Each of the 50 states and the District of Columbia holds its own election even if, at the end of the day, they all end up applying essentially identical rules and procedures. Every state chooses by popular vote a list of electors, each of whom represents one candidate. The number of names on the list corresponds to the state's total number of U.S. senators (always two) and U.S. representatives, whose number depends on the size of the state's population. The list pledged to a candidate who wins a simple or absolute majority of votes takes all of the state's Electoral College seats (winner takes all) in all but two of the U.S. states.

The presidential election, a quadrennial event, takes place on the Tuesday following the first Monday in November. In December, the Electoral College, made up of the elected state electors, selects by absolute majority

© AP Images/ Will Shilling

U.S. presidential electors, such as these in Ohio in 2004, are unlikely to disappear soon.

the president and vice president of the United States.

This two-step election process takes into consideration both American demographics and political equality among the states of the Union, a positively surprising fact to the French.

Federal, Not Centralized

We forget that the United States is not a centralized republic like France. States that make up the Union have their own history and own constitutional and social life. They also insist on maintaining their separate influence. Some are small or sparsely populated; others have very large populations.

The states are equal in some sense, but clearly — for demographic and economic reasons — some are more equal than others. This is what accounts for the complexity of the American system. This also explains the anomaly that a candidate could win more popular votes, but fewer electoral votes, than his rival. In 2000, George W. Bush was elected president, although Al Gore won some 500,000 more popular votes than Bush did. In France, people were very surprised by this, if not indignant.

Most Americans, however, do not seem to want to change their election system to look more like France's, though from time to time reform ideas surface. Some political scientists call for a system more like France's, though not many of their compatriots are convinced, since each state wants to maintain its political influence. Within each state, ethnic, racial, and religious minorities are eager to have a say in election results and would lose the ability to do so if their voices were lost in a single national electorate system.

Moreover, the United States and France define citizenship differently. American democracy is multicultural; voting by cultural bloc occupies an important position in American political life and can only enjoy influence in the context of individual states. Therefore, even if the system was invented in the 18th century and some still dream of amending the federal Constitution, the survival of the Electoral College is not in jeopardy. This particular institution has its own history to rely on and is not without a future.

Narrowing Some Gaps

Nevertheless, American primary elections are looking more and more like the first election round in France, as Democrats and Republicans vote to eliminate candidates who will not be able to go the distance. By the American Labor Day in September, only two major party candidates remain, and any other candidates are left with a negligible role, except if they are in a position to affect the outcome in narrowly divided states.

The French are hesitantly starting to hold primaries. And although these are not yet systematically organized, they help, one way or another, to sort out the candidates of each political party. In 2006, for example, the Socialist Party fielded three candidates, and party activists chose one of them, Segolène Royal, to represent them. Similarly, and although the Union for a Popular Movement (UPM) chose another route, party members had to select one of two main candidates. It is not that farfetched to see that same process expanded, adopted, and replayed in future presidential elections.

The method of choosing a president, whether in France or the United States, reflects that country's deepest cultural foundations. Nothing would be more artificial, and therefore regrettable, than to impose on one country what works well in another. ■

The opinions expressed in this article do not necessarily reflect the views or policies of the U.S. government.

Across the Atlantic, Some Surprising Similarities

Philip John Davies

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Harold Wilson's Labour Party won the 1964 election with razor-thin victories in a number of seats.

The U.S. and British election systems are quite different, but they sometimes produce oddly similar outcomes.

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Transatlantic classrooms provide special opportunities to learn. British students are sometimes a little startled to hear that legislators in the United States often run in election campaigns where the personal agendas of the candidates overshadow centralized party political messages.

Their eyebrows raise when presented with evidence that presidents, even of the same political party, may have a good deal of negotiating to do and compromises to make with the legislature in order to have any success in turning the platform presented to the electorate into working policies.

And they sometimes purse their lips at the arcane structure of the Electoral College and its recently evidenced ability to leave the candidate with the most popular votes nationwide as the runner-up.

"The voters can't guarantee getting the policies they supported even if their party wins! They can't be sure they get the leader that most of them vote for! Is that really democratic?"

In their turn, students in the United States find their suspicions raised by a British election system so dominated by the party political manifestos that individual candidate characteristics generally make only marginal differences to the results. The level of control over policy demonstrated by an executive that operates inside the legislature concerns them.

And when it comes to appointing the prime minister, they can be very surprised by the tenuous connection between the electorate and the selection process.

"Almost no voters are involved in selecting the PM! The parties have immense control over the political agenda! Is that really democratic?"

Varying Views of Democracy

In the political lexicon, democracy is definitely a "hooray" word. Generally nations want to be identified as democratic, even if this might be seen more as public relations than actuality. In the half century that Germany was divided, it was the Communist eastern sector that managed to name itself Democratic Republic.

But even nations that accept each others' democratic credentials may design their systems very differently. Viewed through a transcultural lens, democratic institutions and their different cultural and historical foundations can look confusing, and parallels across

© AP Images/Doug Mills

George W. Bush takes the oath of office January 20, 2001, after receiving fewer popular votes nationally than the runner-up.

cultural boundaries can be missed.

The United Kingdom system remains geared to the centrality of party political competition. Modifications to party leadership selection in recent years have included the introduction of structures called electoral colleges. These colleges are intended to ensure a balance of representation between groups within the parties, and they undoubtedly owe something to lessons learned from across the Atlantic, but they are in no way built on the federalist principles at the center of the U.S. Electoral College.

These differences notwithstanding, the party-based processes for choosing a British prime minister are every bit as arcane as those for choosing a president of the United States.

Some similarities do emerge in election results. The U.S. Electoral College offers potential victory to a candidate who does not have a majority of popular votes nationwide. This should be no mystery to British observers, since in none of the 17 UK general elections since the end of the Second World War has the winning party had a majority of the popular vote. The Conservatives came closest in 1955, with 49.7 percent of the popular vote. But in seven postwar elections, the winning party gained less than 45 percent, and in three of those less than 40 percent of the popular vote, falling to 35.2 percent in the 2005 election.

The Significance of Small Numbers

The U.S. Electoral College winner may nevertheless have received fewer votes than the runner-up. It does not happen very often, but the election of 2000 brought this feature into high relief.

A similar thing can happen in UK general elections. In 1951 the Labour Party received almost 1 percent more of the aggregate popular vote than the Conservatives and their allies, but ended up with 4 percent fewer seats. In February 1974 it was the Conservatives who had a small lead in the popular vote, while the Labour Party took more seats. While other parties held enough seats notionally to hold a balance of power, Labour formed a minority administration.

The 2000 election in the United States brought home the potential significance of small numbers of votes in key states, when the outcome teetered for weeks on the uneasy fulcrum of the result in Florida.

Again, similarities can be found in the United Kingdom. In 1964 Labour won 317 out of the 630 available seats, gaining an absolute majority of four seats over all other parties. One constituency was won by Labour by only seven votes, and three other close races in the same election were decided by 10, 11, and 14 votes, respectively.

There is no doubt that observers in many countries will continue to find their perspectives on democracy broadened when they look across borders. Differences are real, can surprise, and provide a backdrop against which new perceptions can emerge. And it should never cease to be entertaining to observe the oddities of other political cultures and, through them, to notice the oddities at home. ■

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Additional Resources

More books, articles, and Web sites about the Electoral College

Books and Articles

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270towin.com
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http://www.america.gov/publications/books/the-constitution.html

The Electoral College
http://www.fairvote.org/e_college/?page=964

Electoral College Prediction Map
http://www.washingtonpost.com/wp-srv/politics/interactives/campaign08/electoral-college/

National Popular Vote
http://www.nationalpopularvote.com/

An Online Symposium on Recent Proposals for Electoral College Reform
http://www.michiganlawreview.org/firstimpressions/vol106/electoral.htm

U.S. National Archives: Electoral College Calculator
http://www.archives.gov/federal-register/electoral-college/calculator.html

U.S. National Archives: U.S. Electoral College
http://www.archives.gov/federal-register/electoral-college/

Who Really Elects the President?
http://www.loc.gov/wiseguide/oct04/election.html

Videos

The Electoral College in U.S. Elections
http://www.america.gov/multimedia/video.html?videoId=1691067575

Everything You Wanted to Know About the Electoral College But Were Afraid to Ask
http://www.americanpressinstitute.org/pages/resources/2004/10/everything_you_wanted_to_know/

Swing States in U.S. Elections
http://www.america.gov/multimedia/video.html?videoId=1691067637

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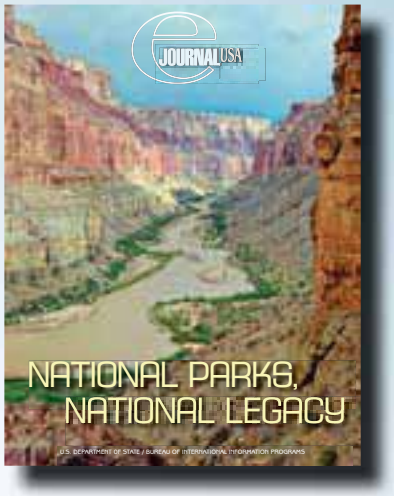

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