# Electoral College: The Big Picture

The Electoral College is a group of 538 people who elect the next President of the United States. These people are selected from all 50 states and the District of Columbia by the political party whose candidate won the state’s popular vote, with two minor exceptions discussed below. The number of electors from each state is equal to that state’s count of Congressional Senators and Representatives. The District of Columbia is granted electors directly by the 23rd Amendment *as though it were* a state.

# Constitutional Basis

The genesis of our electoral college is Article II, Section I, Clauses 2-4 of the US Constitution.

**Clause 2** gives the following direction:

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…

**Clause 3** was replaced by the 12th Amendment, which states that “The Electors shall meet in their respective states, and vote by ballot for President and Vice-President…”

**Clause 4** states that Congress picks what day the population votes for the electors as well as what day the electors vote for the President and Vice President.

# The Electoral College in Action

To see how this works, let’s look at Michigan. Michigan has 2 Senators and 14 Congressional districts (as of the 2010 Census). This means the state gets to pick 16 electors who will go on to cast votes for the President and Vice President.

In the general election of November, 2016, Donald Trump won 2,279,805 votes in Michigan, beating Hillary Clinton by 11,612. Because the Republican candidate won Michigan’s popular vote, the Republican party in Michigan selected 16 individuals to be electors based on those individuals’ history with, and loyalty to, the Republican party and the candidate. Michigan state law requires that all electors cast their vote for the candidate who won Michigan’s popular vote. In 2016, that’s exactly what they did.

Twenty-nine states, plus the District of Columbia, have laws that prohibit electors from exercising independent choice. In some of these states, including Michigan, if an elector votes for any candidate other than the one to whom they are pledged, their vote is nullified and the remaining electors select a replacement.

In the remaining 21 states, there is no law that governs how an elector is to vote. They are, however, still chosen by the winning political party. Because of this, even these un-pledged electors still generally vote the same way that a pledged elector would.

# Outliers

Maine and Nebraska are slightly different. For each, the winner of the popular vote gets 2 electors and each congressional district gets one elector based on *its* popular vote. This mirrors the fact that states’ Senators are chosen statewide, while each district elects its own Representative.

# Five Thirty-Eight

There are 538 electors in the Electoral College, and that number is fairly stable. Because the Constitution is specific about the number of electors being equal to the number of Senators and Representatives (plus what D.C. would get if it were a state), we need only look at what decides the number of Senators and Representatives.

## Senators

Article I, Section III, Clause I of the Constitution explicitly states that the Senate is composed of two Senators from each State. With 50 states, the Senate gives us 100 electors.

## Representatives

Article I, Section II, Clause III of the Constitution prescribes that the number of representatives in each state is proportional to that state’s population, except that each state shall be granted at least one. The Constitution does not, however, specify the number of representatives in total. Currently, that prescription comes from The Permanent Apportionment Act of 1929, which fixes the number of Representatives at 435. The distribution of those representatives (beyond each state receiving its Constitutionally-mandated one Representative) is determined by the Census, which occurs every 10 years.

So, adding in the 435 members of the House, we get 535 electors.

## Washington D.C.

The 23rd Amendment grants the District of Columbia electors directly, equal to the “number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State.” Because the Constitution guarantees two Senators and one Representative, D.C. gets at least three electors. It cannot, however, have more electors than the least populous state. So even if its population grew disproportionally to the rest of the country, it will never have more electors than any state. This effectively ensures that D.C. will always have three electors.

Adding these three electors results in our final count of 538.