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### The Electoral College: Abolishing a Historical Institution

American society conditions citizens to believe that every vote counts, but do the systems in place make this a false reality? Currently, Americans are given the opportunity to choose who will be the next President of the United States every four years. Many voters do not fully understand how this process works and its implications. According to the National Archive, the Electoral College is a process that involves choosing electors who will cast their vote for the president on behalf of their state, which was established in Article II of the Constitution. The Electoral College is composed of 538 electors from all states and the District of Columbia. Each state is granted a specific number of electors based on the size of their population (“Presidential”). When you cast your vote, you are actually voting for a candidate’s preferred electors, not the candidate themselves. The electors of the political party that wins the states popular vote cast their votes and have sole authority over which candidate wins a state’s votes. In order to win the presidency, a candidate must have a majority of 270 electoral votes, not a majority of the popular vote (Ray).

The validity of the Electoral College is something that has been extensively debated by scholars and legal professionals. Viewpoints surrounding the Electoral College take into consideration state population, proper means of representation, role of the electors, and many other factors. There have not only been propositions to abolish the Electoral College, but also propositions to restructure and reform it. This issue of the Electoral College is extremely

important because as the political climate continues to evolve, it is imperative that preestablished democratic systems and legislation are still applicable to today's society. Support for abolishing the Electoral College stems mostly from those on the left, and in a study conducted in 2020, it was found that 81% of those who held Democratic views, supported it ("Public Opinion").

Abolishing the Electoral College is often perceived to be a more liberal stance on the issue, but it is the most efficient means for alleviating the problems caused by this institution. Although the Electoral College presented much merit at the time of its creation, it is no longer needed in today's society because it impedes democratic processes by taking the power away from the majority and has resulted in many issues with distribution of power and voter representation.

Before debating the legitimacy of the Electoral College, it is important to understand why it was created and the purpose it was intended to serve in the election process. The founding fathers were tasked with having to create a means for citizens to have a say in the election process, but at the time there were no countries to look to when forming this model. When drafting the Constitution, a direct popular vote that would decide the winner of the presidential election based on who received a majority of the total votes cast was proposed; however, this idea was met with strong opposition from those who thought that congressional members should vote for president on behalf of their state. These framers of the Constitution believed that the average person did not possess the knowledge necessary to make well informed political decisions and should not be given the power to choose a president. The Electoral College was formed as a compromise ("How"). Each state would be given a specific number of Electors who would cast their votes in accordance with the popular vote of their state. Each candidate would have a slate of electors that pledged their vote to them, and the electors of the winning party would cast their vote (Roos). It should also be noted that the Electoral College has once before

been revised in 1800 when both candidates received an equal number of electoral votes. This prompted the Twelfth Amendment which now requires electors to vote for both president and vice president (“Electoral”). This amendment stands to prove the plausibility of changing this system.

In today’s society citizens have substantial access to political and legislative information. There is wide scale availability to media such as news broadcasts, newspapers, and podcasts that all provide citizens with the information needed to be well informed constituents. This in combination with a movement from an agrarian society to the age of industrialization, information, and technology have all eliminated the need for “more informed” electors to vote on our behalf. American society now has a stronger focus on education as life has moved away from being strictly based in agriculture. Schooling is now required when it once wasn’t, and major US universities have been established. Presidential candidates participate in large scale campaigns directed towards American voters. “Many Americans participate in politics, either by volunteering for or donating to campaigns, attending protests or meetings, contacting officials or expressing their views on social media. Overall, a large majority (67%) reports having engaged in at least one of these activities in the past five years; nearly half (46%) say they have done so in the past year alone” (“The Public”). The Electoral College is no longer needed as an intermediary between the people and the Congress because now more than ever, citizens are armed with the information needed to cast well informed votes.

The United States prides itself on being a democratic country, but the systems in place for the presidential election do not align with these principles. In its most simple terms, democracy means rule by the people (Dahl). This word is rooted in the Greek word *dēmokratiā* which has a literal translation of people rule. One of the most basic principles of democracy is that leaders are

chosen by the people, but the current election system does not work this way. In the 2016 election, Trump lost the popular vote by over 2 million but was still able to secure the presidency (DeSilver “Trump”). It is illogical for the winner of the election to have lost by such a great margin. The Electoral College acts as a buffer to direct democracy by diminishing the popular vote. “In more than half (65) of the world’s 125 democracies, the head of state – nearly always called a president – is directly elected by voters” (DeSilver “Among”). The other systems are constitutional monarchies or indirect selection. Out of all 125 democratic systems, the United States is the only one in which there is a secondary reliance on a distinct body of people to actually choose the president (DeSilver, “Among”). The Electoral College is a system created by the founders that provides no practical use other than to take power away from voters.

Democratic nations around the world are able to prosper by relying solely on a popular vote. The lack of any other country relying on a system similar to the one that the United States has in place further proves the illegitimacy of the Electoral College.

Propositions to abolish the Electoral College are widespread, and something frequently taken up by political scholars. According to a study by the Pew Research Center, it was found that 58% of US adults are in favor of abolishing the Electoral College (Daniller). John Anderson, an American politician and former member of the House of Representatives, wrote that the intended purpose of the Electoral College has been undermined by electors that fail to vote for the candidate they are pledged too. These people, referred to as faithless electors, cripple the entire election process. “I believe that the occupant of the nation's highest office should be determined by legally registered voters--not 538 faceless, nameless electors--not even if their role is decreed by five members of the U.S. Supreme Court” (Anderson). He also notes that it is this in combination with the fact that the Electoral College was created only as a means to

appease the “states righters” provides more than enough reason for the Supreme Court to abolish the institution (Anderson).

The Electoral College relies heavily on the fact that each elector votes in accordance with their state, but there are very few limitations on their ability to act otherwise. This was something that was clearly intended by the framers but has continued to default many times throughout history. If the Electoral College is not functioning in the way it was designed to, it should be abolished for failing to serve its purpose to Americans. In 2020, the Supreme Court ruled that states have the ability to punish faithless electors in *Chiafalo v. Washington* (Katie). This ruling does not require that all faithless electors be prosecuted. In fact, there are only five states that penalize electors that vote against the state popular vote. There are only fourteen states that require deviant votes to be canceled (“Faithless”). Faithless electors are often left unchecked and without a means to hold them accountable. A system that may have once worked at times throughout history has now been corrupted.

Anderson bases his argument for abolishing the Electoral College in issues caused by faithless electors, but many scholars take a similar stance on this argument for contrasting reasons. John Feernick, a Fordham law professor, argues that the Electoral College should be abolished because of disparities in equal voter representation. He points out that the winner of the popular vote is still able to lose the election. He also notes that the assignment of electoral votes is inaccurate in elections occurring between decennial censuses. Another disparity being that electoral votes are assigned based on total population and not the actual population of voters in a state. The winner-takes-all system conducted in forty-eight out of fifty states does not represent the entire voting population, and in turn cancels out any votes within a state for the losing candidate (Feernick).

Abolishing the Electoral College has been debated extensively by legal and political scholars, and there have been many conflicting propositions and viewpoints on this issue. Although extremely controversial, there are still people who support the Electoral College and view it as a process essential to American democracy. John Yoo, a Berkley Law professor and former government official, believes that the Electoral College provides a successful means for the organization of democracy throughout the states. In his article “A Defense of the Electoral College in the Age of Trump” he writes that the Electoral College has many benefits to the election process. Yoo states that having to receive a majority of electoral votes forces each presidential candidate to campaign in a variety of states. This system is opposed to one in which a strict popular vote would only require a presidential candidate to campaign in large cities and states with the highest population. Yoo also argues that with the Electoral College there is better representation for minority populations. In swing states, states that determine the election, minorities who may not be represented on a national scale have the opportunity to impact the balance of electoral votes (Yoo). From this it can be derived that support for the Electoral College is based in efforts to ensure that smaller more rural states still have the ability to influence the election.

This argument presents merit in that with the Electoral College, presidential candidates are required to cater to the needs of diverse groups of people nationwide, or else they stand no chance at winning the election. Yoo’s argument is based on the fact that the popular vote system takes representation away from smaller or less populated states, leaving their constituents without power, but he fails to explain why a minority of the population deserves as much representation as the majority. If smaller states have less citizens, they deserve to have a lesser say in who the president is. It can be logically deduced that states that have more people should

have the greatest influence. Presidential candidates should cater to the needs of the majority of the people. This is a basic principle of democracy: imposing the will of the masses.

The Electoral College disrupts the balance of power by valuing some votes disproportionately. In the 2016 election one vote from Wyoming weighed more than a vote from California. Wyoming was granted the minimum of three electoral votes because of the small size of its population, 586,107 residents. However, California had 55 electoral votes for its 39,144,818 residents. “In the electoral college, each individual Wyoming vote weighs 3.6 times more than an individual Californian vote. That’s the most extreme example, but if you average the 10 most populous states and compare the power of their residents’ votes to those of the 10 least populous states, you get a ratio of 1 to 2.5.” (Collin). The Electoral College creates disparities like this across the nation. If the Electoral College were to be abolished, swing states would no longer exist, and all votes would be valued equally, regardless of the state in which they were cast. Although less populated states should be able to impact the election, it should be ensured that their impact is proportional, these states should not be able to determine an election’s result.

In his article “One Vote for the Electoral College”, John Turner Jr presents another opinion on the arguments against abolishing the Electoral college. In his article he responds to the implications abolishing the Electoral College would have, as compared to Yoo who focused on why the functions of this system are necessary. He writes that a direct popular vote would disrupt the political equilibrium and bring an end to the two-party system. He states that the Electoral College prevents debates on smaller issues of ideology from dividing society and hindering the voting process. These issues are usually resolved by the national conventions which create generalized party platforms. The two-party system is necessary for political

stability and it was put in place by the founding fathers in order to prevent special interest from threatening the nation's core values (Turner).

Although accurate, the repercussions that Turner fears will result from abolishing the Electoral College actually create a positive impact. Turner acknowledges the fact that the Electoral College allows the two-party system to prevail. He also accounts for the fact that the Electoral College forces voters to compromise and vote for the party that aligns the closest with their political views. This creates no room for third party candidates who many gain larger amounts of support with a popular vote system in place. With a direct popular vote, Americans will be given more options to find candidates who they fully support and that better represent their specialized interest. Abolishing the electoral college will bring distinct ideologies that are often overshadowed to the forefront of politics. In a poll conducted by CNN it was found that 40% of Americans believe that having a third party would fix the political system and only 1 in 10 adults believe that the two-party system works well (Sparks). Although this may result in the election process being hindered, it creates a system in which people are less constrained in their votes for president.

It is not often that an issue is limited to two opposing sides without a middle ground present between these viewpoints. This is in fact how the Electoral College came to be, a compromise between extremes. Some scholars take the position that the Electoral College negatively affects the presidential election process, but the problems that stem from it can be fixed with revision. In 1813, a reform to the Electoral College was proposed to Congress that would separate each state into districts according to the number of electors they were granted. Each elector would then vote on behalf of their district as opposed to a winner take all state system. Another district-based plan was proposed that would instead split districts based on the



number of members they had in the House Representatives and award the remaining two electoral votes to the winner of the state (Feernick). The Lodge-Gossett plan was also introduced, this plan was different in that it maintained that each state be granted electoral votes but removed the office of the elector. This would have been accomplished by automatically assigning the winner their allotted votes instead of relying on an elector to vote on the district's behalf ("Past"). All of these proposals failed to gain the majority needed to pass in both the House of Representatives or the Senate.

Revising the structure of the Electoral College present merit as it provides a compromise for an intensely debated issue. These politicians have continued to work hard to find ways to fix a system in which they have acknowledged is clearly broken. Proposals for reform are often struck down by those on the right who fully support the Electoral College. Politicians against the Electoral College work to create amendments for the revision only as an effort to gain support from conservatives so that legislation can receive the majority needed to be passed. Calls for reform are unlikely to be because these legislators support the electoral process. "Over the history of our country, there have been at least 700 proposed amendments to modify or abolish the Electoral College - more than any other subject of Constitutional reform" ("Past"). It can be argued that more time should be put into action towards abolishing the Electoral College as opposed to forming compromises that often fall upon deaf ears.

Abolishing the Electoral College will greatly affect every single United States election moving forward and is something that impacts all American citizens. The Electoral College allows for an unequal distribution of power among the states. It creates unnecessary reliance on an intermediary during the election and provides a way for a candidate who is not chosen by the majority, to win the presidency. The abolition of the Electoral College would lead to better

representation on a national scale as well as a greater presence of diminished ideologies. If the Electoral College were to be abolished, it can be assured that every president moving forward is chosen for the people by the people. This brings back the question: Does every vote count?

Many of those who do not believe that their vote counts often attribute this belief to the Electoral College. This system makes voting in safe states almost futile. Not only does the Electoral College create disparities in the presidential election process, but also allows for the sentiment that each individual vote does not count to prevail among society, diminishing the principles of democratic representation.

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