

In order to appreciate the reasons for the Electoral College, it is essential to understand its historical context and the problem that the Founding Fathers were trying to solve. They faced the difficult question of how to elect a president in a nation that:

- was composed of thirteen large and small States jealous of their own rights and powers and suspicious of any central national government
- contained only 4,000,000 people spread up and down a thousand miles of Atlantic seaboard barely connected by transportation or communication (so that national campaigns were impractical even if they had been thought desirable)
- believed, under the influence of such British political thinkers as Henry St. John Bolingbroke, that political parties were mischievous if not downright evil, and
- felt that gentlemen should not campaign for public office (The saying was "The office should seek the man, the man should not seek the office.").

How, then, to choose a president without political parties, without national campaigns, and without upsetting the carefully designed balance between the presidency and the Congress on one hand and between the States and the federal government on the other?

Origins of the Electoral College

The Constitutional Convention considered several possible methods of selecting a president.

One idea was to have the Congress choose the president. This idea was rejected, however, because some felt that making such a choice would be too divisive an issue and leave too many hard feelings in the Congress. Others felt that such a procedure would invite unseemly political bargaining, corruption, and perhaps even interference from foreign powers. Still others felt that such an arrangement would upset the balance of power between the legislative and executive branches of the federal government.

A second idea was to have the State legislatures select the president. This idea, too, was rejected out of fears that a president so beholden to the State legislatures might permit them to erode federal authority and thus undermine the whole idea of a federation.

A third idea was to have the president elected by a direct popular vote. Direct election was rejected not because the Framers of the Constitution doubted public intelligence but rather because they feared that without sufficient information about candidates from outside their State, people would naturally vote for a "favorite son" from their own State or region. At worst, no president would emerge with a popular majority sufficient to govern the whole country. At best, the choice of president would always be decided by the largest, most populous States with little regard for the smaller ones.

Finally, a so-called "Committee of Eleven" in the Constitutional Convention proposed an indirect election of the president through a College of Electors.

The function of the College of Electors in choosing the president can be likened to that in the Roman Catholic Church of the College of Cardinals selecting the Pope. The original idea was for the most knowledgeable and informed individuals from each State to select the president based solely on merit and without regard to State of origin or political party.

The structure of the Electoral College can be traced to the Centurial Assembly system of the Roman Republic. Under that system, the adult male citizens of Rome were divided, according to their wealth, into groups of 100 (called Centuries). Each group of 100 was entitled to cast only one vote either in favor or against proposals submitted to them by the Roman Senate. In the Electoral College system, the States serve as the Centurial groups (though they are not, of course, based on wealth), and the number of votes per State is determined by the size of each State's Congressional delegation. Still, the two systems are similar in design and share many of the same advantages and disadvantages.

The similarities between the Electoral College and classical institutions are not accidental. Many of the Founding Fathers were well schooled in ancient history and its lessons.

The First Design

In the first design of the Electoral College (described in Article II, Section 1 of the Constitution):

Each State was allocated a number of Electors equal to the number of its U.S. Senators (always 2) plus the number of its U.S. Representative (which may change each decade according to the size of each State's population as determined in the

decennial census). This arrangement built upon an earlier compromise in the design of the Congress itself and thus satisfied both large and small States.

The manner of choosing the Electors was left to the individual State legislatures, thereby pacifying States suspicious of a central national government.

Members of Congress and employees of the federal government were specifically prohibited from serving as an Elector in order to maintain the balance between the legislative and executive branches of the federal government.

Each State's Electors were required to meet in their respective States rather than all together in one great meeting. This arrangement, it was thought, would prevent bribery, corruption, secret dealing, and foreign influence.

In order to prevent Electors from voting only for a "favorite son" of their own State, each Elector was required to cast two votes for president, at least one of which had to be for someone outside their home State. The idea, presumably, was that the winner would likely be everyone's second favorite choice.

The electoral votes were to be sealed and transmitted from each of the States to the President of the Senate who would then open them before both houses of the Congress and read the results.

The person with the most electoral votes, provided that it was an absolute majority (at least one over half of the total), became president. Whoever obtained the next greatest number of electoral votes became vice president - an office which they seem to have invented for the occasion since it had not been mentioned previously in the Constitutional Convention. In the event that no one obtained an absolute majority in the Electoral College or in the event of a tie vote, the U.S. House of Representatives, as the chamber closest to the people, would choose the president from among the top five contenders. They would do this (as a further concession to the small States) by allowing each State to cast only one vote with an absolute majority of the States being required to elect a president. The vice presidency would go to whatever remaining contender had the greatest number of electoral votes. If that, too, was tied, the U.S. Senate would break the tie by deciding between the two.

In all, this was quite an elaborate design. But it was also a very clever one when you consider that the whole operation was supposed to work without political parties and without national campaigns while maintaining the balances and satisfying the fears in play at the time. Indeed, it is probably because the Electoral College was originally designed to operate in an environment so totally different from our own that many people think it is anachronistic and fail to appreciate the new purposes it now serves. But of that, more later.

The Second Design

The first design of the Electoral College lasted through only four presidential elections. For in the meantime, political parties had emerged in the United States. The very people who had been condemning parties publicly had nevertheless been building them privately. And too, the idea of political parties had gained respectability through the persuasive writings of such political philosophers as Edmund Burke and James Madison.

One of the accidental results of the development of political parties was that in the presidential election of 1800, the Electors of the Democratic-Republican Party gave Thomas Jefferson and Aaron Burr (both of that party) an equal number of electoral votes. The tie was resolved by the House of Representatives in Jefferson's favor - but only after 36 tries and some serious political dealings which were considered unseemly at the time. Since this sort of bargaining over the presidency was the very thing the Electoral College was supposed to prevent, the Congress and the States hastily adopted the Twelfth Amendment to the Constitution by September of 1804.

To prevent tie votes in the Electoral College which were made probable, if not inevitable, by the rise of political parties (and no doubt to facilitate the election of a president and vice president of the same party), the 12th Amendment requires that each Elector cast one vote for president and a separate vote for vice president rather than casting two votes for president with the runner-up being made vice president. The Amendment also stipulates that if no one receives an absolute majority of electoral votes for president, then the U.S. House of Representatives will select the president from among the top three contenders with each State casting only one vote and an absolute majority being required to elect. By the same token, if no one receives an absolute majority for vice president, then the U.S. Senate will select the vice president from among the top two contenders for that office. All other features of the Electoral College remained the same including the requirements that, in order to prevent Electors from voting only for "favorite sons", either the presidential or vice presidential candidate has to be from a State other than that of the Electors.

In short, political party loyalties had, by 1800, begun to cut across State loyalties thereby creating new and different problems in the selection of a president. By making seemingly slight changes, the 12th Amendment fundamentally altered the design of the Electoral College and, in one stroke, accommodated political parties as a fact of life in American presidential elections.

It is noteworthy in passing that the idea of electing the president by direct popular vote was not widely promoted as an alternative to redesigning the Electoral College. This may be because the physical and demographic circumstances of the country had not changed that much in a dozen or so years. Or it may be because the excesses of the recent French revolution (and its fairly rapid degeneration into dictatorship) had given the populists some pause to reflect on the wisdom of too direct a democracy.

The Evolution of the Electoral College

Since the 12th Amendment, there have been several federal and State statutory changes which have affected both the time and manner of choosing Presidential Electors but which have not further altered the fundamental workings of the Electoral College. There have also been a few curious incidents which its critics cite as problems but which proponents of the Electoral College view as merely its natural and intended operation.

At least a 3pg - 4pg paper

Due Thurs. (Fri.) 11/16

- Double Spaced
- Times New Roman / 12 pt. font / 1 in Margin.
- Citing at least 3 quotes from this article.
- Formal - 3rd person - no we or us (U.S.)

• Should the United States continue using the electoral college to determine the president? What are the alternatives and reasons for and against each? Reference election statistics

(alt: popular vote) from this election or past.
• Congress chooses

• David Leip, "The Electoral College" uselectionatlas.org, 2008

• Leip, David. "The Electoral College." uselectionatlas.org. electronic. 2008.

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