



Replace the Electoral College with the ECP System

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Abstract

The reason for the birth of the Electoral College in the United State emerged from a genuine concern for legitimate and authentic representation of *we the people* granted by the people. Notwithstanding, the Electoral College as operated in a contemporary world is without foundation for furtherance of such cause. Arguably, not only is the Electoral College process antiquated but also it represents a farce to the mandate it justifiably seeks. Of the prevailing 50 states, 48 make the Electoral College a mockery of its purpose by offering the candidate *all* the Electoral College votes for those states. Only two states attempt at preserving the rationale for the Electoral College. The time has come for a transformational departure from the Electoral College to a system that offer electoral college points (ECP) by congressional districts equal to the number of Electoral College votes and thus restoring the legitimacy of *the peoples representative*. NB: The term *minority* is used throughout this paper to mean $\leq 49\%$ of potential or actual votes in an election.

Keywords: politics, Electoral College, president, election, congressional district, USA presidential election

1. Introduction

The United States president is not selected on the basis of popular votes throughout the Union. Instead, the process of electing the president is called the Electoral College. The Electoral College is a compromise reached on September 4, 1787 at the Constitutional Convention in Philadelphia, Pennsylvania [7]. The contention for selecting the president arises from three major perspectives. First, some representatives at the convention believed that Congress should appoint the president. Second, there were those who believed that the state legislatures are responsible for selecting the president. Third, others regarded that the people should elect the president directly [4]. Supporters for Congress making the choice for president were concerned about the influence that popular states would accrue to the choice of the president.

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In addition, they believed that small states might not be given the opportunity to know the presidential candidates since their influence on the final decision is possibly miniscule. Small state voters therefore, would be probably making uninformed decisions relating to who their next leader should be [8]. Those favoring state legislatures selection reasoned that Congress may become divisive and divided on fundamental issues. They argued that there is the possibility of foreign interference, undue bargaining, and possible corruption by members of Congress. The state legislatures group posited that a congressional appointment may influence the balance of powers between the legislature and the executive branches of the federal government [4]. Those supporting the idea that registered electors should choose the president through popular votes argued that congressional and state legislatures' appointment may present opportunities for the president to become beholden either to the state legislatures or to Congress. That is, the president may expend immense time satisfying legislatures' desires rather than attending to issues of national importance [8].

The various concerns above led to the creation of the *committee of eleven* at the Constitutional Convention [4]. The committee recommended that the president be elected indirectly through the Electoral College process [9]. However, the Electoral College settlement is influenced substantially by two mammoth achievements at the Convention. First, the Three-Fifths compromise allowed slave-holding states to count each slave as merely three-fifths of a person. Second, the Connecticut Compromise gave all state equal representation in the Senate. That is, larger states in the Upper House could not outvote smaller states. Este [2] proffered that 'the compromise paired equality of representation in the upper house with proportional representation in the lower' (p. 256). These two fundamental principles of shared compromise: the first in finding a middle ground for cooperation and the second, protecting smaller state through equal number of representation provided the basis for selecting a president through the Electoral College process [2].

2. The Contemporary Relevance of the Electoral College

Each state is entitled to one Electoral College vote per Senator in the Federal Government plus a set of votes equal to the number of congressional representatives in Washington, District of Columbia. The states populations as determined in the most recent Census decide the number of representatives in the lower house. The figures for the 2010 Census is included as Table 1. Note, however, that for anyone to be elected president, he or she must secure half of the Electoral College combined votes of 538 plus one. That is, he or she needs a minimum of 270 Electoral College votes [9].

2.1 Table

Table 1. Total Electoral Votes

| State | Congress | Senate | Total |
|-------------|----------|--------|-------|
| Alabama | 7 | 2 | 9 |
| Alaska | 1 | 2 | 3 |
| Arizona | 9 | 2 | 11 |
| Arkansas | 4 | 2 | 6 |
| California | 53 | 2 | 55 |
| Colorado | 7 | 2 | 9 |
| Connecticut | 5 | 2 | 7 |
| Delaware | 1 | 2 | 3 |
| D.C. | 1 | 2 | 3 |
| Florida | 27 | 2 | 29 |
| Georgia | 14 | 2 | 16 |
| Hawaii | 2 | 2 | 4 |
| Idaho | 2 | 2 | 4 |
| Illinois | 18 | 2 | 20 |
| Indiana | 9 | 2 | 11 |
| Iowa | 4 | 2 | 6 |
| Kansas | 4 | 2 | 6 |

| | | | |
|----------------|------------|------------|------------|
| Kentucky | 6 | 2 | 8 |
| Louisiana | 6 | 2 | 8 |
| Maine | 2 | 2 | 4 |
| Maryland | 8 | 2 | 10 |
| Massachusetts | 9 | 2 | 11 |
| Michigan | 14 | 2 | 16 |
| Minnesota | 8 | 2 | 10 |
| Mississippi | 4 | 2 | 6 |
| Missouri | 8 | 2 | 10 |
| Montana | 1 | 2 | 3 |
| Nebraska | 3 | 2 | 5 |
| Nevada | 4 | 2 | 6 |
| New Hampshire | 2 | 2 | 4 |
| New Jersey | 12 | 2 | 14 |
| New Mexico | 3 | 2 | 5 |
| New York | 27 | 2 | 29 |
| North Carolina | 13 | 2 | 15 |
| North Dakota | 1 | 2 | 3 |
| Ohio | 16 | 2 | 18 |
| Oklahoma | 5 | 2 | 7 |
| Oregon | 5 | 2 | 7 |
| Pennsylvania | 18 | 2 | 20 |
| Rhode Island | 2 | 2 | 4 |
| South Carolina | 7 | 2 | 9 |
| South Dakota | 1 | 2 | 3 |
| Tennessee | 9 | 2 | 11 |
| Texas | 36 | 2 | 38 |
| Utah | 4 | 2 | 6 |
| Vermont | 1 | 2 | 3 |
| Virginia | 11 | 2 | 13 |
| Washington | 10 | 2 | 12 |
| West Virginia | 3 | 2 | 5 |
| Wisconsin | 8 | 2 | 10 |
| Wyoming | 1 | 2 | 3 |
| TOTAL | 436 | 102 | 538 |

Note: Totals include Washington, D.C. Source: U.S. Census Bureau

However, the contemporary method of allocating votes in 48 of the existing 50 states is on a *winner takes all* basis. That is, the candidate wins in these states solely on a first past the post principle. This method of allocation completely ignores the intention of the Electoral College of giving smaller states a voice in the outcome of the election. Such an approach to allotment selfishly transfers the votes of those who oppose the winning candidate [1]. A winner takes all scenario puts excessive and unrestrained powers back into the hands of the influencers and effectively diminishes the effects of each voter [1]. In such a situation, a voter has every right to believe that his or her vote is immaterial. Another criticism of the *all or nothing* rule is that the president may lose the popular votes and win the Electoral College votes. This last observation is precisely the reason to dispel with the popular votes syndrome. It too cannot be an effective way of electing the president. The effect of such method is no different from what was said in the foregoing. The minority voice is absent in such practice [1]. Therefore, any presidential selection based on popular votes or on a national popular vote plan (NPV) will carry the same consequence as envisioned by the framers of the Constitution approximately 225 years ago. An NPV approach to presidential election is deleterious to small state. The NVP has less constitutional challenges than the national popular votes' initiative would encounter [3]. However, its objective to pledge its votes to the winner of the national popular vote would achieve the same objective. Individuals vote on parochial issues, the kinds that affect their lived experiences daily. To such an extent therefore, persons would be justified in believing that their votes are of little concern in the process of electing a president in situations in which their votes are transferred effectively to the winner.

3. Maine and Nebraska

Not all hopes for a fairer system are lost, however. Maine divides its state into two Congressional Districts and allots two of its Electoral College votes to these districts. The winner of each district earns an Electoral College vote. The winner of the statewide votes earns the remaining two votes [6]. However, such a system guarantees the winner a minimum of three out of four votes or 75% of the winning. Nevertheless, the challenger can win one of these votes. Maine therefore has an electoral system that improves upon the national arrangement by 25%. Nevertheless, it is an improvement. Nebraska enjoys a similar system to Maine. It, however, has three Congressional Districts. The winner of each district earns an Electoral College vote and the remaining two votes are offered to the statewide winner [6]. This system allows the challenger in Nebraska the possibility of earning up to 40% of the Electoral College votes. That is, the person can earn a maximum of two out of five votes. This is a trend in the right direction to account for minority interests and higher voter turnout because each voter will likely believe that his or her input to the electoral process matters.

4. The Electoral College Points System (ECP)

If one should extrapolate from the Maine and Nebraska implementation of the Electoral College process, the outcome of their Congressional District Method would seem more relevant as the number of Electoral College votes increase. The benefits of the Congressional District Method expanded in Nebraska over Maine by 15%, moving from 25% to a possible 40% allotment for the challenger in the state race for the presidency. However, the bureaucracy of the Electoral College remains a part of the process and the inherent cost associated with its operation lingers on. Everyone knows who the president is on election night in November although the Electoral College does not officially elect the president until December. Why extend the façade, it is time to quit and be realistic. The Electoral College is a vestige of good intentions that has expired. The contemporary time is appropriate for an Electoral College Points System (ECP) routed in the principles of the Electoral College while recognizing the historical relevance for its purpose.

Under an ECP system, each state would establish *electoral points* equivalent to those earned through the Electoral College and based on the same set of protocols. Therefore, each state would be divided into a set number of Congressional Districts equivalent to the number of Electoral College votes. Points are earned per Congressional Districts ONLY. The winner of the presidential race would still require the minimum 270 ECP to become president of the United States. However, on the night of the election in November, the president would have been duly elected and no further bureaucratic rationale would be necessary in December. The president would simply be sworn in the following January as is the current custom.

The ECP system would recognize and maintain *all* the good intentions of the Electoral College without its cost or administration while it also removes the negatives. For example, it would not likely be possible to elect a minority president. It probably will improve voter turnout, not depress it. It will represent strongly the will of the people from one Congressional District to another. The risk of *faithless* electors would be eliminated [5]. Instead, the distributive nature of the popular support may contribute to the country's cohesion. The status of minority interests will likely improve. The stability of the political system will be possibly enhanced because of the increased engagements of both parties. It will contribute not only to a federal system of government but also to a federal system of representation [5].

5. Conclusion

The prevailing circumstances under which the Electoral College operates would seem irrelevant to the fundamental reasons for its establishment and for any purpose for it to be kept alive if its use continues in its present form. The operation of the Electoral College within the contemporary environment seems more relevant to blue states and red states than to the United States because of the winner takes all predominance. Until the ECP system articulated above is accepted and implemented by whatever name, the interest of minorities remain elusive, and the president is at the whim of larger states that elects him or her. The rationale for engaging the Electoral College remains elusive under the current system and the time has come for effective change. Therefore, the challenge is for the president as head of the executive branch of government, the speaker of the House of Representatives, the Senate majority and minority leaders as managers of the legislature to accept the challenge and advance a fairer, more equitable, and just system of representation for *we the people*.

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