

The Electoral College in Modern Democracy

Hanna Bae¹ and Mark Afram^{1#}

¹South Pasadena High School

#Advisor

ABSTRACT

The Electoral College, a voting system established by the Founding Fathers in the United States Constitution, has been a subject of controversy and debate for decades. This paper explores the shortcomings and ethical implications associated with the Electoral College, particularly in the context of modern democracy. The analysis begins with an introduction to the Electoral College system, its historical origins, and its role in balancing the interests of large and small states. It also explores various issues with the Electoral College, including the divergence between the popular vote and the election outcome, the impact on voter turnout, and the presence of faithless electors who deviate from the popular vote. It highlights the instances where the College has undermined the democratic process and emphasizes the dangers of decision-making falling into the hands of a closed group rather than reflecting the voice of the citizens. It addresses the arguments that it protects the interests of small states and acts as a safeguard against uneducated voting, concluding that these concerns are no longer valid in the contemporary political landscape, where power balance is already achieved through representation in Congress and education has improved voter awareness and understanding. While eliminating the Electoral College is naive, the paper suggests that amending the system is necessary to address its flaws and ensure a more equitable representation of the people's will. By enacting reasonable amendments, the United States can uphold the core values of democracy and ensure that the election of the president truly reflects the people.

Introduction

In the 2016 presidential election, Democratic candidate Hillary Clinton took over the ballots and ignited a fire in the hearts of the American people, taking charge with a one million vote lead in the counts of the popular vote. However, Republican candidate Donald Trump reigned victorious, ultimately winning the presidency and serving as the 45th president of the United States — despite losing the popular vote (History.com). This phenomenon happened most notoriously in 2000 between candidates Al Gore and George Bush, as well as in 1888, 1876, and 1824 (Roos, “5 Presidents”). Similarly, Richard Nixon also won against Democrat Hubert Humphrey by a narrow margin in the popular vote, but an astounding 110 electoral votes in 1968 (Woolley). This stark divergence is accredited to a voting system that rules the United States and is quite rare in itself: the Electoral College. Contrary to the name, the Electoral College is not a place, but rather, a process. Established by the Founding Fathers in the Constitution, the process consists of voting for electors for each state, and this group of electors make the final decision in electing the President and Vice President of the United States. (“The Electoral College”). However, this system, rooted in outdated principles in discrepancies between large and small states, is flawed and no longer works in a place of modern democracy. It hinders the basic properties of democracy, acting as an inaccurate reflection of the American people. Already heavily embedded in the Constitution, it is dangerous to attempt to rid the system altogether. Amending the process can produce an equitable system that upholds the values of independence and democracy so heavily implemented in the roots of the United States.

What is the Electoral College?

The Electoral College, although not explicitly named in the Constitution, is a system that was founded on the basis of compromise. At the time of the country's founding and writing of the Constitution, industries and a variety of institutions split the country, creating tension among large and small states. So, "the [Electoral College] was a compromise at the Constitutional Convention in Philadelphia between large and small states... they devised an institution where each state had Electoral College votes in proportion to the number of its senators and House members" (West). Since the votes were proportional to the number of senators and House members, small states had an advantage since each state has two senators, regardless of size, and large states had the upper hand with House members since House members are dependent on the state's population. This proportional representation remains the same, where the number of electors is based on the number of senators and House Representatives in the Electoral College today, but now each state elects a group of electors. These groups of electors are known as a "slate," which are generally chosen by the candidate's political party, but each state has a variety of laws that determine how electors are selected and what their responsibilities are. On top of this, many states have a "winner take all" system where electors all cast votes for the winner of the popular vote in the state. Some states bind electors to voting with the "winner take all" system, while some electors are required to vote for the candidate affiliated with their political party (National Archives, "What Is"). While the Electoral College has served as a means of balance among large and small states in elections in the past, the practice only upholds outdated values in a modern government that does not look the same as it did 236 years ago, actively detracting from principles of democracy and expression.

Discussion

The differences in the final decision for the election of the President and Vice President of the U.S. undermines democracy. There have been five instances of an election differing from the results of the popular vote, just because of the Electoral College. The two most recent instances serve as a motive to reconsider the election process in the United States. These instances display that the voting system in the U.S. does not reflect democratic principles since it isn't outlined in the Constitution that the vote must follow the popular vote, which doesn't accurately represent the will of the people. In particular, "if no candidate receives a majority of electoral votes, the Presidential election leaves the Electoral College process and moves to Congress" (National Archives, "Frequently Asked"). Logistically, this means that the House of Representatives will choose the President and the Senate will choose the Senate, and there are nearly no guidelines on how the President and V.P. would be determined in Congress (Neale). This also poses the, although unlikely, risk that candidates from separate parties are elected into office, since this process then turns completely over to the dictation of those in Congress and widens the gap between the voice of the citizens and the chief executive of the citizens. This is incredibly dangerous. The decision then falls into a closed off group with little to no outside input from the American people.

Beyond this, the system and its reliance on a bipartisan majority actively takes away from democracy by discouraging eligible voters from voting in cemented Republican or Democratic states, and this is evident in lower voter turnouts in US elections. Although there were 168.3 million registered voters that accounts for only two-thirds of the total voting-age population (66.7%) and 72.7% of citizens of voting age" (DeSilver). Since electoral votes are determined by population size and most states have a "winner take all" system in the College, states like California are categorized as "Blue" states, because a Democratic leader has a clear lead in the state. The same applies for "Red" states and their Republican candidates. This gives large states like California and New York an uneven distribution in the voting process. Voters develop a sense of doubt in the power of a single vote because of such drastic majorities seen in these states. There is a notion that the majority is already decided, and one vote is not going to make a difference in the final election results. The election is consistently dependent on swing states or states whose populations "swing" back and forth between Red and Blue candidates, acting as battlegrounds where candidates will target their campaigns

(Thailand). In these states, there is higher voter turnout in an effort to make a decisive decision democratically, but as Michael McDonald, associate professor of political science at the University of Florida, puts it, “What’s happening there in a state like in these battleground states it’s the perception that the election is going to be close that’s going to drive them to have a higher turnout” (Kurtzleben). The Electoral College’s dependence on swing states and bipartisan participation discourages the right to vote, a concept that is so heavily paraded in the United States.

Furthermore, the trend of faulty or “faithless” electors in elections does not reflect the voice of the people and does not uphold foundations of democracy. Although the Constitution does not specifically require electors to cast their votes based on the results of the popular vote, 29 states and Washington D.C. bind electors using the “winner takes all” system. Some states even “require pledges or threaten fines or criminal action,” but out of the 164 faithless electors, “no elector has ever been prosecuted for not voting as pledged,” (Agrawal). There are no real repercussions for electors of not adhering to the general opinion, magnifying an already flawed state population-based system. It defeats the purpose of the pledge of democracy in the United States. It also dangers the integrity of the system and voice of the people since “Based on this legal ruling and in a highly polarized political environment where people have strong feelings about various candidates, it is possible that future faithless electors could tip the presidency one way or another, thereby nullifying the popular vote,” (West). It’s evident that the possibility of the decision of a presidential election coming down to ultimately one electoral vote compromises the pledge and freedom of equitable democracy.

It’s evident that the system does not receive nearly as much support as it did hundreds of years ago, and its flaws have outweighed the benefits. It simply does not align with modern democratic values and the changes seen in the large and small state dynamic. An amendment was proposed in 1969 by Representative Emanuel Celler, looking to nullify the process of the Electoral College after the election of president Nixon the year prior. The discrepancies in the election called for heated debate 54 years ago, since “When H.J. Res. 681 went to the House Floor on September 10, Celler opened debate by criticizing a system where the winner of the most popular votes could still lose the election,” (“A Constitutional”). The following year however, “[it] was approved by the House but defeated in the Senate in a filibuster led by Senators Sam Ervin of North Carolina, Strom Thurmond of South Carolina and James Eastland of Mississippi” (Keyssar). American citizens and lawmakers had already deemed the Electoral College ineffective in modern democracy. Anti-Electoral College sentiments have been stirring and conversations of abolishment have remained prevalent. Its close failure only reflects that the practice, along with the outlandish two-party system, should be retired.

Limitations

Many may reason that the Electoral College is a foundational system that was carefully contemplated by the founding fathers and written into the Constitution, following a system that, at the time of the Constitutional Convention, was widely used to protect minorities. In other words, the system was created to maintain the balance between the large and small states. However, they founded the process at the time of the Philadelphia convention 236 years ago, when no country directly elected its chief executive (Roos, “What is the”). The dynamic between large and small states is significantly different than it was in 1787 where there is little to no distinction between significant powers given to large states as opposed to small states. It was indeed a concern in 1787 since “Smaller states with lower populations argued that such an arrangement would lead to an unfair dominance of larger states in the new nation’s government, and each state should have equal representation, regardless of population,” (Onion).

However, since the Congress itself is a compromise of the difference in powers and representation for large and small states, these concerns no longer ring relevant. Large states have the upper hand in the House of Representatives, but the smaller states are at the advantage in the Senate. The Electoral College is not a system where large and small states should dispute over proportional representation, and does not practically protect small states. Rather, this seeming “protection” of small states tips the balance of the concept of “one vote per person.” Since two electoral votes are given to each state automatically to account for the state’s two senators, instead of protecting liberties of voters in

small states, larger states like California become drowned out in comparison to individuals in small states like Rhode Island. In fact, as Harvard University political scientist Gautam Mukunda told NPR, “The fact that in presidential elections people in Wyoming have [nearly four] times the power of people in California is antithetical at the most basic level to what we say we stand for as a democracy” (Liasson). The chief executive of the people should be determined by the people, not by a system based on a shallow basis of large and small state powers in a time where the issue is no longer relevant.

Furthermore, some may argue that the uneducated and unqualified voters would make unwise and haste decisions at the ballot, so a body like the Electoral College would act as mediation, basing the final decision on public opinion, but also heavily contemplating the validity of each candidate. However, this concern is unjustified, especially with the further widespread access to education and information on elections, the government, and other government processes, along with the mandate of US history education in schools. All people between the ages of six and eighteen years old are required to attend school in California (Legislative), and there are widespread frameworks implemented throughout schools in the United States, with 42 states and the District of Columbia requiring at least one course related to civic education for students, albeit lacking in support and quality in some “civic deserts,” (Winthrop). Civic and history education begins in primary and secondary education in curriculum, but also with indirect influence from parents and teachers. The accessibility to direct and indirect instruction sets apart modern voters in a modern democracy.

Conclusion

All in all, it’s evident that the Electoral College and the implications that accompany it are heavily flawed and founded off of outdated principles that do not apply to modern democratic practices. It’s unreasonable and dangerous to attempt to completely get rid of the Electoral College, since it’s served as a foundation for countless systems and other practices embedded beyond alteration, but a proper amendment with reasonable conditions can be proposed to reduce the singlehanded influence of electors. A Constitutional Amendment like the 1969 Bayh–Celler Amendment would have a higher chance of passing with more support in Congress, especially after the 2000 and 2016 elections overturning the results of the popular vote. Proposals have also been made in recent years like Congressman Steve Cohen’s 2021 Resolution to Abolish the Electoral College, acknowledging the widespread sentiments against the implications of the Electoral College (“Congressman Cohen”). It’s apparent that the need for an altered system is crucial and the current state of the union and its election process is in critical condition. Change is necessary to ensure that the chief of the people is indeed elected by the people.

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