Conversation Starter Series
A Handout for Meetup Organizers

Presidental Elections and the Electoral College

What You Need to Know

• American presidents are not elected by gaining the most popular votes (i.e., the number of individual votes cast); instead, they are elected by gaining the most electoral college votes.

• The Electoral College was created by the U.S. Constitution. You can read the text of the U.S. Constitution at http://www.archives.gov/exhibits/charters/constitution_transcript.html.

Talking Points

How is the President of the United States elected?

The president is elected by electors who represent the results of the votes cast by the individuals in their state. This process is consistent with our political system, which is a representative democracy, not a direct democracy.

The total number of electors is equivalent to the total number of members in both houses of Congress. The number of electors that each state has is determined by the number of U.S. Representatives and Senators (2) that each state has. Although the District of Columbia has no Senators, it has three electoral votes pursuant to the 23rd Amendment of the U.S. Constitution. Since the most populous states have the most seats in the House of Representatives, they also have the most electoral votes.

How does a candidate for president win the most electoral votes without winning the most popular votes?

You may recall the confusion and controversy of the 2000 presidential election in which Al Gore reportedly won the popular vote and yet lost the presidential election. This occurred because President George W. Bush ended up winning the most electoral votes.

Many Americans wondered how this could happen, even in a representative democracy. After all, aren’t the state’s electors suppose to cast their votes according to results of their state’s individual votes?

Not exactly. Most states have a “winner-takes-all” electoral voting system. This means that whichever candidate wins the most popular votes gets ALL of the electoral votes for that state. For example, if Candidate A wins 51 percent of the popular vote, he or she would get 100 percent of that state’s electoral votes, giving the electoral equivalent of 100 percent of the popular vote for that state. It is in this way that many claim the Electoral College does not accurately or fairly “represent” the will of the American people in presidential elections.

Article II, Section 1 of the United States Constitution

“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: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.”

Fact

For the record: George W. Bush was not the only person to win the presidency while losing the popular vote. Rutherford Hayes beat Samuel Tilden in 1876 and Benjamin Harrison beat Grover Cleveland in 1888—both won by winning the most electoral votes despite losing the popular vote.
**Should America change the Electoral College? How?**

We can eliminate or modify the Electoral College. This is the crux of the debate. To eliminate the Electoral College, the Constitution would have to be amended. An amendment would also have to provide a new way of electing the president (e.g., only counting the popular vote).

Amending the Constitution (which has been done 17 times in the last 200 years) requires that a law be passed by either 2/3 of both houses of Congress OR 2/3 of state legislative bodies and then ratified by at least 3/4 of all states.

Changing the Electoral College so that the electors have to allocate their votes in proportion to the percentage of popular votes cast in that state (more commonly known as the Congressional District Method and currently being used in Maine and Nebraska) could also be done by altering the electors’ state law. The Constitution does not dictate how electoral votes are divided or cast, it is left up to the states.

**What if no one gets a majority of the electoral votes in a Presidential Election?**

Originally, Article II of the Constitution provided for the resolution of presidential elections in which there was not a clear victor; however, the Constitution was amended in 1804 and now the 12th Amendment governs how to resolve an election if no one gains a majority of the electoral votes. If this occurs, the House of Representatives must immediately convene and vote as a group representing their respective states. The candidate that receives the votes of at least 26 out of 50 states is then selected as President.

**Number of Electors in Each State**

Most states use a “winner-take-all” system.

Theoretically, a candidate can win the presidency by winning the eleven most heavily populated states (CA, TX, FL, MI, NY, IL, OH, GA, NC, PA, and NJ) while losing in all others.

Nebraska and Maine use the “Congressional District Method.” The electors from their state can be divided up by district, allowing for proportional distribution of electoral votes.

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**Fast FACT**

Some may recall the Equal Rights Amendment of the 1970s. It was passed by 2/3 of both houses of Congress but failed to become a Constitutional amendment because it failed to be ratified by at least 3/4 of all the states.

**Where You Can Learn More**

- [http://www.electoralvote.com/](http://www.electoralvote.com/)
- [http://www.archives.gov/federal-register/electoral-college/about.html](http://www.archives.gov/federal-register/electoral-college/about.html)

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