

# HOW THE ELECTORAL COLLEGE WORKS: THEN AND NOW

## I. How It Worked Then (1789-1804)

- 1) The Founders did not trust either the people or Congress to elect the president. So they created a body, apportioned among the states in the same way as Congress, with the sole job of electing the president.
- 2) The total number of presidential electors a state has is the same as the combined number of senators and representatives that state has in Congress.
- 3) Then and now, electors can theoretically be chosen in a variety of ways; by direct popular vote, by the state legislature, by congressional district, etc.
- 4) The Founders did not anticipate that political parties would develop. They didn't anticipate that presidential/vice presidential "tickets" would arise in which two candidates would run as running mates, or a team. Instead, they imagined that a lot of individuals would run for president, thus:

### *Candidates for president*

Abbott  
Kirk  
Laurel  
Sheldon  
Wayne

- 5) Each elector would vote for his two favorite candidates. The elector was NOT voting for his presidential and vice presidential picks but the two people he most wanted to be elected as president. Thus, if there were five electors, ten votes would be cast.

Elector number one votes for	Sheldon and Kirk
Elector number two votes for	Abbott and Kirk
Elector number three votes for	Kirk and Laurel
Elector number four votes for	Wayne and Abbott
Elector number five votes for	Kirk and Abbott

- 6) The candidate winning the most electoral votes would become president. The candidate with the second highest number of electoral votes would become vice president.

*Candidates for president*

Abbott (3 votes)

Kirk (4 votes)

Laurel (1 vote)

Sheldon (1 vote)

Wayne (1 vote)

Kirk becomes president

Abbott becomes vice president (i.e., Abbot, as the runner up, gets the vice presidency as a consolation prize)

- 7) In the unlikely event of a tie between two or more candidates, the House of Representatives would choose the president and vice president from among the top three vote getters.
- 8) Within a few years, political parties developed. As a result, two individuals would seek the presidency and vice presidency as a team, or “running mates,” on a single party ticket, which the Founders did not foresee. Thus (hypothetical party names for 1700s):

*Democratic Ticket*

Sheldon (Democratic presidential candidate)

Leonard (Democratic vice presidential candidate)

*Libertarian Ticket*

Wayne (Libertarian presidential candidate)

Garth (Libertarian vice presidential candidate)

*Republican Ticket*

Kirk (Republican presidential candidate)

Spock (Republican vice presidential candidate)

9) Electors, like candidates, became party members. Since every elector casts two votes, each elector of any given party would cast his two votes for his party's two running mates. Thus, in a system with a total of six electors, and with a Republican majority:

Democratic elector number one votes for	Sheldon and Leonard
Democratic elector number two votes for	Sheldon and Leonard
Libertarian elector votes for	Wayne and Garth
Republican elector number one votes for	Kirk and Spock
Republican elector number two votes for	Kirk and Spock
Republican elector number three votes for	Kirk and Spock

10) As a result, running mates would tie each other, thus:

*Candidates for president*

Garth (1 vote)

Kirk (3 votes)

Leonard (2 votes)

Sheldon (2 votes)

Spock (3 votes)

Wayne (1 vote)

Kirk 3 (tie with Spock)

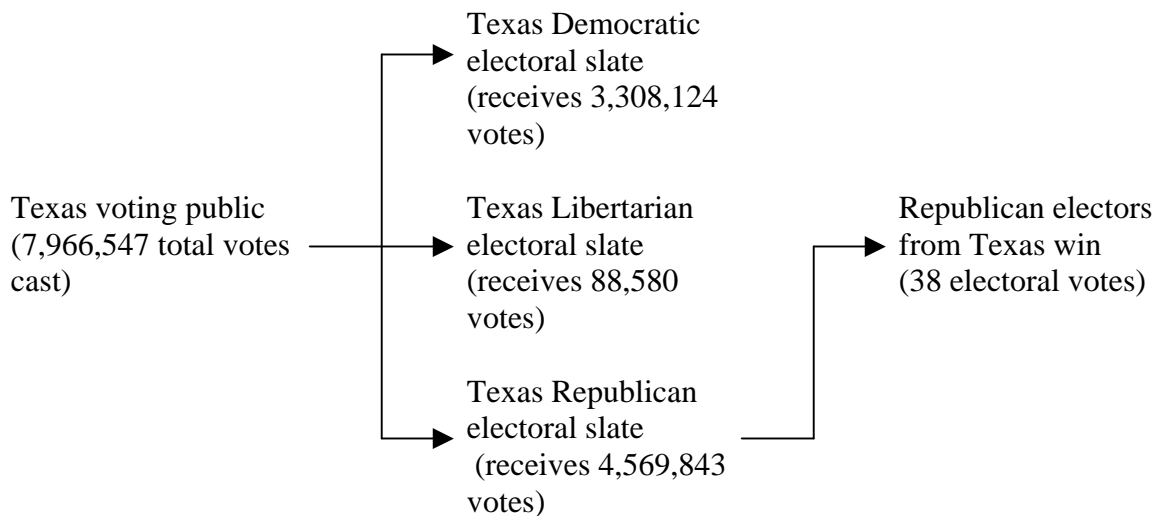
Spock: 3 (tie with Kirk)

11) Clearly, the Republican electors intended that Kirk be president and Spock be vice president (see Step 8 above). But under the electoral system, this doesn't matter. There was no provision for the electors to indicate which of their two choices was for president and which was for vice president, and no provision for taking their preference into account even if they did so indicate. *What matters wasn't which candidate was in which party, or whether two candidates were running mates, but simply who got the most and second most votes.* As a result the two people on the ticket that got the most votes were nearly guaranteed to tie each other, and the election would therefore go to the House of Representatives.

12) This actually happened in the election of 1800, when the Republican Thomas Jefferson, intended by the Republican Party to be the presidential candidate, tied with Aaron Burr, whom the Republicans intended to be the vice presidential candidate. As a result, Congress proposed the Twelfth Amendment, which changed the electoral College so as to account for running mates. This new system was first used in 1804.

## II. How It Works Now (1804-present)

13) In each state, each major political party offers a slate of electors who are practically certain to vote for the presidential and vice presidential nominees of their party. The citizens/voters cast their ballots for one of these slates of electors. Generally speaking, the group of electors that wins the popular vote are elected to the electoral college and will cast their electoral votes for their party's presidential and vice presidential nominees, as illustrated by this chart, which uses Texas as an example.



14) Under the Twelfth Amendment, the electors still vote for a total of two persons, but they now cast two separate ballots, one for their choice as president and one for their choice as vice president. *In essence, there are now two separate elections--a presidential election and a vice presidential election--and each elector gets to cast one of his votes in each election. Thus:*

### *Candidates for president*

Democrat: Sheldon  
 Libertarian: Wayne  
 Republican: Kirk

### *Candidates for vice president*

Democrat: Leonard  
 Libertarian: Garth  
 Republican: Spock

15) Under this new system, supposing an electoral college with six electors (and thus twelve votes, six for president and six for vice president), with the Republicans winning the election, the electors cast their votes as follows:

*Presidential election:*

Democratic elector number one votes for	Sheldon for president
Democratic elector number two votes for	Sheldon for president
Libertarian elector votes for	Wayne for president
Republican elector number one votes for	Kirk for president
Republican elector number two votes for	Kirk for president
Republican elector number three votes for	Kirk for president

*Vice presidential election:*

Democratic elector number one votes for	Leonard for vice president
Democratic elector number two votes for	Leonard for vice president
Libertarian elector votes for	Garth for vice president
Republican elector number one votes for	Spock for vice president
Republican elector number two votes for	Spock for vice president
Republican elector number three votes for	Spock for vice president

16) With this result:

Candidates for president

Democrat: Sheldon (2 votes)

Libertarian: Wayne (1 vote)

Republican: Kirk (3 votes)

Kirk becomes president

Candidates for vice president

Democrat: Leonard (2 votes)

Libertarian: Garth (1 vote)

Republican: Spock (3 votes)

Spock becomes vice president

17) Since under the Twelfth Amendment Kirk and Spock are now essentially *running in different elections*, the fact that they happen to get the same number of votes doesn't mean that they have tied, since they are no longer running against each other. The House of Representatives therefore does not get involved.